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Canada. Royal Commission on
pilotsage.

Hearings. 1964.

Nos 123-125

817
A
ROYAL COMMISSION

ON

51
PILOTAGE

HEARINGS

HELD AT

TORONTO

VOLUME No.:

123-125

DATE:

APRIL 8, 1964

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.
BOARD OF TRADE BLDG.
11 ADELAIDE ST. W.
TORONTO

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Wednesday, the
8th day of April, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Colin Mason	for the Dominion Marine Association



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* * * * *



1 English

263 McCaul Street,
Toronto, Ontario,
April 8, 1964.

3 MR, LALONDE: There was a question I forgot
4 to ask from the last witness last night, but I discussed
5 it with my colleagues.

6 THE CHAIRMAN: Evidence given in front of
7 me?

8 MR. LALONDE: Yes, indeed. To the effect
9 at any rate as far as the Canadian lake pilots are con-
10 cerned they have no dissatisfaction or complaint what-
11 ever with the service and the amenities provided by
12 the Harbour Master's office in Toronto. The statement
13 was, rather, to the effect that the relations were
14 excellent, and they had no adverse comments to make as
15 to the help they were getting from that Authority.

16 In relation also to the evidence given
17 by Captain Dufour about his own trips and trips made
18 by Captain Boisvert, I also have with me now the
19 detailed report of Captain James D. Bell as to the number
20 of trips he made in 1962 and 1963, and his statement of
21 earnings in 1963.

22 I might just give a word of explanation
23 about the way the trips are reported. We have there
24 the name of each individual ship and various mentions
25 as to the place and time and date of departure. CVM
26 I understand stands for Cape Vincent.. I don't know
27 what the M stands for, but that is the way the station
28 is designated usually I am told. TO is Toronto, PW,
29 Port Weller, and the other harbours are indicated in a
30 pretty obvious way. HAM, Hamilton and KING, Kingston.



1 As to the statement of earnings under the
2 various dates you have an amount indicated, gross amount.
3 That is the amount of the cheque which Captain Bell
4 received on that date. There is less $7\frac{1}{2}$ per cent dis-
5 count. That is for the difference between Canadian
6 and American money. Less 10 per cent for estimated
7 cost of billing and despatching. Captain Bell has
8 given evidence in that respect. That is the Cape
9 Vincent office did collect fees and charged 10 per
10 cent overhead charge for collecting fees. I think
11 a number was reserved for these documents.

12 THE CHAIRMAN: 1096 was detail of voyages
13 of the witness in 1962 and 1963.

14 MR. LALONDE: And you might include the
15 statement of earnings for 1963.

16 THE CHAIRMAN: That is all right.

17 MR. LALONDE: I would like to call now
18 Captain R. A. Stevenson.

19
20 ROBERT ALAN STEVENSON, sworn

21 DIRECT EXAMINATION BY MR. LALONDE:

22 Q. Captain Stevenson, I would like you
23 to take Exhibit 1005. That is the brief submitted by
24 the Corporation of Professional Great Lakes Pilots
25 to this Commission. I believe on the last occasion
26 you were giving evidence before this Commission you
27 had reached Recommendation No. 23 on page 19 of your
28 brief. This recommendation suggests that an automatic
29 luminous signal should be attached to the whistle or
30 the siren on vessels. Would you elaborate the reasons



1 English

2 for this?

3 A. I think this would be a very good thing.
4 I would like to see this rule even be made international.
5 On any stormy night when you are signalling a vessel
6 I doubt unless you are very close, or of course if you
7 have the wind in the right direction, that you are going
8 to hear a signal. With a light you can immediately
9 see you have blown, and it is certainly a very good
10 practice.

11 This is carried out on all lake vessels.
12 It is not compulsory for ocean-going vessels. However,
13 I think it is an excellent practice. I would say that
14 it is a practice that should be adopted internationally.

15 Q. Internationally?

16 A. Internationally. This is a very good
17 help. I think if you see the light and you don't hear
18 -- I mean there is no doubt in your mind as to what the
19 other fellow is going to do or wants to do.

20 We often get, not so much now, but it
21 used to be we would see the fellow blow at night
22 and we would answer him and the other ship, if it
23 passed, called, "What's the matter with you? Can't
24 you answer the whistle?"

25 I don't think some of the lake masters
26 realize that ships are not equipped with lights, and you
27 have answered them, and under weather conditions -- per-
28 sonally I think it probably won't be too far off before
29 this is adopted internationally. It certainly is an
30 excellent practice, and it is a thing to me that should



1 English

2 become compulsory for all vessels.

3 Q. Do I understand all lake vessels have
4 that equipment at the present time?

5 A. Yes, all lake vessels have that equip-
6 ment, yes.

7 Q. What is the proportion of deep sea
8 vessels which would have such equipment at the present
9 time?

10 A. Practically -- the regular traders.

11 Q. Yes?

12 A. The deep sea vessels that were built
13 for trading the Great Lakes certainly have it fitted.
14 With others, sometimes we get them to rig up a Morse
15 light and have a Morse key beside the whistle, and you
16 use that, but it was not as good a practice as having
17 it connected with the whistle so that when you blow the
18 light goes on.

19 Naturally when you have two, shall we
20 say, pulling on the whistle cord as you are on some
21 ships, and one hand out here blowing (indicating) and
22 you are pulling and you have probably more tension on
23 one hand than you have here, and the light hasn't gone
24 on, and you are not sure, whereas when you pull with
25 one hand at least the light is on. You are never
26 sure when you are using two hands if you have the
27 proper tension to switch on both.

28 Q. Would you be in a position to state
29 whether this suggestion would imply the installation
30 of expensive equipment?



1 English

2 A. No, I don't think it is expensive
3 equipment at all. I would say that is really quite
4 cheap in comparison with other marine equipment.

5 Q. Do you have anything to add on this
6 recommendation?

7 A. No, except that I have seen magazines
8 from the U. K. where it has been recommended by the
9 masters that they install this equipment too.

10 Q. Now, are there some particular spots
11 where that light should be installed? What is the best
12 position?

13 A. Well, our suggestion, on a lake vessel
14 in a position where there will be no obstruction to the
15 visibility of that light.

16 Q. Have you experienced ships where you
17 had obstructions to that light? Any deep sea ships?

18 A. I have said we have used the Morse
19 light. The Morse light is usually on top of the monkey
20 island which is just above the bridge. This view
21 obviously is obstructed by derricks, masts, Sampson
22 posts, etc.

23 The ideal position, and where they have
24 the light on most lake traders or traders that have been
25 built for the lakes trade, is usually on top of the
26 foremast so that there can be no obstruction to visi-
27 bility whatsoever.

28 Q. Is that the spot you would prefer as
29 the regular spot to put that light?

30 A. Oh, yes, definitely.



1 Q. Now, is that a white light or what?

2 A. Some use amber lights and some white.
3 It really doesn't matter whether it is amber or white
4 just so long as it is very distinct. I wouldn't
5 suggest red or green.

6 Q. Excuse me?

7 A. I wouldn't suggest red or green.
8 Obviously you would be then getting into the element
9 of side lights, but amber or white is the usual light.

10 Q. On lake ships, do you have various
11 colours of lights or signal lights?

12 A. Usually amber or white lights.

13 Q. Now, is that light a directional light
14 or can you see it all around?

15 A. No, you can't see it all around, but
16 you can see it from right ahead I would say to 8 points
17 on either side. Probably you can see it a little
18 abaft the beam.

19 Q. This present practice in that respect,
20 is that satisfactory?

21 A. I would say it is very satisfactory,
22 yes.

23 Q. Unless you have something to add on
24 this, I will go to Recommendation No. 24. That is that
25 the rudder angle indicator and the speed indicator from
26 the propellor must be clearly placed and well in view
27 so that no person can shield them from the pilot or
28 helmsman.

29 A. Yes. Let me say in the first place
30 with the electric steering, a man at the wheel doesn't



1 know how much helm he has on unless he can see the
2 rudder indicator. Quite often this indicator is
3 placed at a height waist high in the fore part of the
4 wheelhouse, often right in the centre window or close to
5 the centre window.

6 Frequently you stand in front of this
7 indicator and you forget the minute the wheelsman asks
8 you to move -- he has no idea how much wheel he has on.
9 This isn't very good practice at all. They should be
10 placed at a height that is not going to be obstructed
11 by any pilot or master.

12 The second item is that with many
13 ships, canallers - this is a compulsory requirement of the
14 Suez Canal that rudder indicators must be equipped
15 on all vessels, and also have to be more out on the
16 wing of the bridge, and if you are out on the wing of
17 the bridge, you can see what helm is on the vessel.

18 This is a very good thing. You don't
19 have to go back into the wheelhouse when you are mooring
20 or docking a vessel. You can see from the wing of the
21 bridge exactly what helm is on, and the correct helm is
22 on. I think it is a very good practice.

23 Q. Yourself, when you are piloting in the
24 canal, do you direct the ship from the wing of the
25 bridge or are you inside the wheelhouse?

26 A. When going up as we call the long levels
27 usually I am in the wheelhouse. However, in docking
28 and locking the vessel through the locks I am on the
29 wing of the bridge.

30 Q. Is this fairly standard practice among



1 English

2 pilots, or are you the exception in this regard?

3 A. Some of the men who have been brought
4 up with lakers prefer to stay in the wheelhouse the
5 whole time. Others prefer to be on the wing of the
6 bridge. It is hard to say. I have never polled
7 them to find out just how many prefer one to the other.

8 Q. Is there anything else you would like
9 to add to this recommendation 24?

10 A. Well, on many vessels you have no
11 idea of the speed. There is no speed indicator, and
12 with a change of watch in the engine room, you will
13 find a change of speed. Probably you get it down,
14 with the turbine ship, say, with dead slow it will
15 be about 20 revolutions. On a change of watch, you
16 will find your dead slow comes up to 30 revolutions,
17 but you don't realize until you have started -- this
18 just does not apply only to turbine ships; it applies
19 to other ships too. Sometimes you get quite a thrill
20 when you get into this serious change in revolutions.
21 Everything has been going quite smoothly and you find
22 everything is quite set, and then you have a change in
23 watch and you have to inquire, phone down and find
24 out what revolutions they are going, etc., and usually
25 you find out they have been going greater revolutions
26 and then you have got to tell them all over again.

27 COMMISSIONER SMITH: You say the change
28 of watch? What would be the explanation of that?

29 THE WITNESS: Well, Mr. Smith, when you get
30 the engineers, everyone is different, and each one



1 English

2 pretty well has different ideas as to what exactly
3 is dead slow. Now, we try and get a dead slow, to
4 get maximum dead slow. Other people have different
5 ideas. Different engineers have different ideas as
6 to what dead slow is, and you would be surprised at
7 how great a variety you get on this. What is dead
8 slow and what is not. The number of revolutions.
9 Especially in canaling. The less speed you have on
10 the vessel the more control you have of that vessel.
11 The more speed you get, the less control you have.

12 COMMISSIONER SMITH: Is there a
13 different definition of dead slow in the trade?

14 THE WITNESS: Oh, yes. Dead slow
15 varies greatly from ship to ship.

16 COMMISSIONER SMITH: Yes, I know it
17 does between turbines and --

18 THE WITNESS: Even triple extension,
19 where you can get a dead slow down to almost 10
20 revolutions, I should say there is still a difference
21 in what different engineers think dead slow should be.
22 After all, you are depending on the engineers for
23 getting these revolutions.

24 THE CHAIRMAN: The reason why you could
25 go that slow and still have control, better control,
26 is because you have no cross-current. If you have a
27 cross-current, then you will lose everything?

28 THE WITNESS: Yes, definitely, but
29 here we are talking about canaling. If you were using
30 any speed and meeting vessels, and especially deep



1 English
2 laden vessels, once you meet, you could throw each
3 other right up into the bank. The displacement as
4 you pass each other, you would throw each other right
5 up into the bank. Plus the fact when you are
6 proceeding down the Canal, and the vessel will take
7 a sheer, a deep laden vessel, and you are on
8 dead slow, you will ring them up to half a head,
9 or probably it is only half a minute, but it is this
10 extra thrust that will straighten the vessel out for
11 you.

12 If you are proceeding with any great
13 speed and the vessel takes a sheer, then you must have
14 a far greater thrust to straighten the ship out. But
15 when you are proceeding slowly, or as slow as
16 possible, you don't require anywhere near the thrust
17 to straighten the vessel out. If you were proceeding,
18 say, at five knots, shall we say, which if you were
19 in the Canal and the vessel takes a sheer, then you
20 are going to need a speed in excess of five knots,
21 a thrust in excess of five knots to straighten this
22 vessel out. If you are proceeding at a speed of two
23 knots and the vessel takes a sheer, then really you
24 are only going to need a thrust in excess of two knots
25 to straighten that vessel out. It is a matter of the
26 thrust. Obviously the slower that you get that vessel
27 the more control you have of that vessel.

28 BY MR. LALONDE:

29 Q. About this business of speed, do I
30 understand that a different watch in the engine room



1 English

2 might increase the revolutions from, say, 20 to 30
3 without notifying you?

4 A. Oh, yes, this frequently happens,
5 and we have to phone down and find out what has been
6 happening, and tell them to get back on to that speed
7 that we want. This quite frequently happens, this
8 matter with the changing of the watch that we get
9 different speeds.

10 Q. Are there some ships where you have
11 these instruments operating, rudder angle indicator
12 and speed indicator?

13 A. Yes, I would say 60-70%.

14 Q. How many ships mainly are not equipped
15 with these instruments?

16 A. All the old tramps. Even the old
17 tramps, if they have been trading through the Suez
18 Canal they must have this equipment on board.

19 Q. Do you have anything else to add on
20 this?

21 A. No.

22 Q. Then we will move to recommendation 25
23 in which you request not to be called to go outside
24 your District, and that your licences should be
25 limited to your District. In other words, that suf-
26 ficient pilots should be licensed to do lake work.
27 What is your view in that regard? What are the views
28 of your group in that regard?

29 A. Well, you have seen the chart of the
30 District and the entire size of it. I don't think



1 English

2 this is good pilotage to be going outside of the
3 District.

4 Q. It is already given in evidence that
5 you might be called upon to pilot on Lake Ontario,
6 Lake Erie --

7 A. And Huron and Michigan.

8 Q. Georgian Bay?

9 A. Yes.

10 Q. Yes?

11 A. I think the very definition of a pilot
12 is a man who is specialized in local knowledge. When
13 you only make three or four trips, or even less than
14 that, into a port in a year or every two years, I don't
15 think you are specialized in local knowledge.

16 We get the Notices to Mariners all
17 the time, and we read them. However, one would almost
18 have to have a photographic mind to remember everything
19 that went on in the Notices to Mariners for two years
20 if you have never been into a port.

21 We go up to Green Bay, which is a long
22 pilotage, here to Green Bay.

23 Q. That is on Lake Michigan?

24 A. Yes, which is a long pilotage. The last
25 time I was in there now was two years ago. I certainly
26 keep up with Notices to Mariners, but I certainly
27 would not be familiar if there is anything new that
28 has cropped up in there. That is just one instance,
29 shall we say. The same applies to almost any of the
30 ports that are outside of the District.



1 English

2 Q. Yes?

3 A. We are there to provide a service,
4 and other than knowing the areas and the port and the
5 docks, we really know nothing else of changing
6 conditions. If there are lake pilots on the lakes
7 at least they are in these ports far more frequently,
8 and they are much further ahead in that.

9 Q. Yes?

10 A. That is the basis of that argument.
11 After all, we are even now licensed for quite a
12 large area, which is from Port Weller to Sarnia. That
13 is a large area, but to be licensed from Cape Vincent
14 to Chicago, this is actually getting out of the realms
15 of pilotage altogether.

16 COMMISSIONER SMITH: Are you called
17 upon to make the trip to Chicago, Green Bay and
18 other places in Lake Michigan frequently or infrequently?

19 THE WITNESS: Infrequently, Mr. Smith.
20 I was not up into Lake Michigan at all last year.
21 1962 I think I was four or five times into Lake
22 Michigan. I was twice in Lake Ontario last year, and
23 twice up to Detour.

24 COMMISSIONER SMITH: What about the
25 other pilots in your District?

26 THE WITNESS: I would say that is a
27 pretty fair average for the rest of the pilots that
28 are in the District.

29 BY MR. LALONDE:

30 Q. I don't know whether this was in



1 English
2 evidence. I think it was, but do you know how many
3 lake pilots there are for the upper part of the Lakes;
4 that is, Lake Huron, Lake Michigan and Georgian Bay?

5 A. Well, District 3 changed them around.
6 They have got so many in the Soo, as we have heard.
7 They will have so many operating out of Duluth.

8

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1 English

2 Q. Yes, but I am not referring to
3 district pilots as such, only pilots who would be called
4 upon only to do trans-lake work.

5 A. I do not think they have any called
6 on only to do trans-lake work above Sarnia. All of
7 them at times do river work, I think, in District 3.

8 Q. As far as I understand there would not
9 be connected with District 2 at the present time lake
10 pilots, as there are six lake pilots at Lake Ontario
11 connected with District 1?

12 A. At the present time there may be two.

13 Q. They would be American pilots?

14 A. American pilots. It is the same as
15 in District 1 where they are on an apprenticeship basis.
16 There may be two. Now, I am not sure. There were
17 four last year. However, they have been registered
18 and whether there are any replacements I do not know.

19 Q. Do you know that last year there were
20 four?

21 A. Yes, to begin with. There was
22 Feldman -- I forget the names now.

23 Q. We can always get the evidence anyway
24 more directly. Is there anything else you would like
25 to add on this?

26 A. No, I do not think so.

27 Q. Will you proceed to recommendation 26
28 in paragraph 74. You said: "The St. Lawrence Seaway
29 Authority should enforce their own regulations con-
30 cerning mooring and landing equipment as per inspection



1 English

2 at Montreal. The same applies as to rules concerning
3 radio operators."

4 What do you have to say on this?

5 MR. JACQUES: Excuse me, before you move
6 on to this subject I am advised that there are two
7 Canadians engaged in lake piloting in District No. 3,
8 Lake Huron, Lake Superior and Lake Michigan. Their
9 names are Williams and Robson. Have you had occasion
10 to meet those two gentlemen?

11 THE WITNESS: They are not engaged in lake
12 piloting. I have from Captain Williams some letters
13 stating that he wished to be engaged on this, and from
14 Captain Jones. I have the whole file, the letters,
15 in my brief case. Captain Robson has now taken up
16 a job as first mate of a ship because he could not be
17 guaranteed this was going to be his work. Captain
18 Jones refused to guarantee this.

19 MR. JACQUES: I realize this is so now,
20 but have these two gentlemen ever been engaged in lake
21 piloting?

22 THE WITNESS: Only in peak periods for short
23 times. But I have Captain Williams' earnings for these
24 times. If you wish, I have them right here.

25 MR. JACQUES: But they were engaged in lake
26 piloting at some time?

27 THE WITNESS: Yes, at some time, but not on
28 a permanent basis, only at peak periods.

29 MR. JACQUES: Peak periods?

30 THE WITNESS: Yes.



1 English

2 MR. JACQUES: Thank you.

3 MR. LALONDE: Did I understand my friend
4 to say they were connected with District 3 or District 2?

5 MR. JACQUES: District 2. I am sorry --
6 my mistake.

7 COMMISSIONER SMITH: My Lord, may I have
8 permission to return to paragraph 73 to ask a question
9 of the witness?

10 THE CHAIRMAN: Yes.

11 COMMISSIONER SMITH: Captain, in this
12 recommendation you say: "If such a system is to be
13 continued." I take it that you meant the system that
14 is now in operation, the international system with the
15 private contractors on one side and civil servants on
16 the other?

17 THE WITNESS: What I meant there, Mr.
18 Smith, was the issuing of B licences for open waters.

19 COMMISSIONER SMITH: Oh, I see. This
20 would not interfere in any way with the present balance
21 of operation as between the Canadian and American pilots?

22 THE WITNESS: No. This system of issuing
23 B licences; this was what I meant there.

24 COMMISSIONER SMITH: Oh, I see. That is
25 what it says here. I had not realized that. Thank
26 you, Captain Stevenson.

27 THE WITNESS: This was whether they want
28 pilots on open waters or whether they want port pilots.
29 This is, of course, argumentative from the shipowners'
30 point of view as to whether they require lake pilots



1 English

2 or not or port pilots, you see.

3 COMMISSIONER SMITH: What was running
4 through my mind was this. You mentioned certain
5 voyages to Green Bay, I think you said, and Chicago?

6 THE WITNESS: Yes.

7 COMMISSIONER SMITH: Which, of course, is
8 on the American side and in American waters. I was
9 wondering if that recommendation were implemented
10 whether it would upset the balance as between the
11 American pilotage operation and the Canadian pilotage
12 operation, because the more pilots that you put on, I
13 presume -- and correct me if I am mistaking anything --
14 the more pilots that you put on reduces the income of
15 the private contractors on the other side, the American
16 pilots. Is that correct?

17 THE WITNESS: That is quite correct, yes.
18 However, I was not referring to this here. This was
19 strictly as to the practice of issuing B licences.

20 COMMISSIONER SMITH: Yes. Thank you,
21 Captain.

22 MR. LALONDE:

23 Q. I have already read, captain, recommen-
24 dation No. 26 concerning the Seaway regulations. What
25 are the reasons for this recommendation? You referred
26 to regulations which exist at the present time and which
27 it would seem you would feel are not applied enough.
28 What do you have in mind?

29 A. First of all, for the mooring equipment, I
30 cannot give you offhand the Seaway regulations as to the



1 English
2 mooring equipment, but I think the gist of it is that
3 the equipment must be strong enough to securely moor
4 that vessel. Now we still get many ships up to, say,
5 20,000 tons deadweight where the mooring equipment we
6 are using is a 5-ton cargo winch. It is not unusual
7 if you get caught in wind that these mooring winches are
8 not strong enough to hold the vessel. They just cannot
9 hold it; that is all there is to it. You must cast
10 out lines to secure -- proper mooring lines.

11 As I say, I am quite sure that the
12 St. Lawrence Seaway Authority says that there should
13 be proper mooring winches strong enough to moor the
14 vessel and if it is a five-ton winch it is not so, not
15 by any means. Also where sometimes some of this
16 equipment has never been used -- a vessel that has
17 probably been on bulk trade for a long long time and
18 it has not been used -- the first thing you know you
19 have breakdowns in this equipment. They may have
20 been running two or three years on bulk trading and
21 not been used very much. They have probably been
22 overhauled to a certain degree, but this is not to me
23 mooring equipment. It is certainly a lot easier to
24 take a vessel up the canals with proper mooring equip-
25 ment than one with these winches.

26 Q. What about the landing equipment?

27 A. Oh, we still occasionally get a ship
28 up without the landing equipment. Many times when the
29 landing equipment is put on it is set far too far aft
30 in the bow.



1 English

2 Q. Are you referring here to landing booms
3 or something different?

4 A. Landing booms. It is set far too far
5 back and you have to have the vessel right up alongside
6 before you can land men. If it is set back you cannot
7 come in at an angle, when the landing boom is away back
8 some 150 feet -- which occasionally happens -- 150 feet
9 from the bow. You cannot land a man unless you are
10 flat up alongside.

11 This creates quite a problem in wind.
12 It is almost an impossibility to get the vessel flat
13 alongside to land men. You are away from the wharf
14 before this happens.

15 Also we even still get the odd occasion
16 where a vessel comes up with landing boom and you have
17 to use the cargo derrick to land men. This in itself
18 is a very unsound and unsafe practice.

19 THE CHAIRMAN: But this is supposed to be
20 verified in Montreal?

21 THE WITNESS: It is supposed to be verified
22 in Montreal, yes, My Lord, but on the rare occasion
23 we do get them up. I do not know who surveys these
24 landing booms in Montreal, but they are still being put
25 on, as I say, in ridiculous positions to the safety of
26 the men.

27 MR. LALONDE:

28 Q. What about the rules concerning radio
29 operators? What experience do you have in that respect?

30 A. Of course, the rule concerning radio



1 English

2 operators is that they must be proficient in English with
3 the radio-telephone. On this matter there are still
4 quite a number again where they are not proficient and
5 we are called out at all hours to take messages.

6 I do not mind getting up to take a
7 message pertaining to navigation if there is some
8 vessel wanting to know something, but after you have
9 been up, say, for a long time in the Welland Canal and
10 you go to bed and you have just got sound asleep and
11 you are called to find out what your ETA is at the
12 next port because of the lack of a language, this kind
13 of rubs the wrong way. This happens to many of the
14 pilots.

15 Our contention is that they should
16 check to make sure that they are quite proficient in
17 English and if not they should put a man on in Montreal.

18 Q. Have you experienced this yourself?

19 A. What -- being called out?

20 Q. Yes.

21 A. Oh, yes. I cannot give you the names
22 of the vessels. I do not suppose there is a pilot
23 amongst us who has not experienced this at some time or
24 another.

25 Q. Now this request, is it usually a
26 request for an ETA?

27 A. Oh, it could be anything. It could
28 be about cargo, information as regards cargo, or where
29 the hatches are loaded, etc., how many gangs to be
30 worked. This could be on anything pertaining to



1 English

2 ships' business.

3 Q. Yes. I thought since you have referred
4 to ETA, they might call you not because the operator is
5 not proficient in English but for some reason they
6 thought that you would be the man to know best how
7 long it would take to get there?

8 A. I would not say that. I would say all
9 men on the bridge are quite capable of taking a pencil
10 and paper and working out the ship's speed and distance.

11 Q. You have been awakened for other things
12 than ETA, as you say?

13 A. Oh, yes.

14 Q. Have you spoken to some of the radio
15 operators concerned? Have you been able to assess
16 whether or not they were proficient in English in
17 those instances?

18 A. As I say, it is hard for me to say
19 whether they are proficient in English or not. It would
20 have to be someone who could examine them. There is
21 one captain who to me was very, very proficient in
22 English. He said to me: "I can understand English
23 all right but as soon as I get on the radio-telephone,"
24 he said, "I am lost; I cannot understand a word that
25 goes over it."

26 Q. Do you have anything to add on this
27 question of mooring equipment, landing equipment or
28 radio operators, Seaway regulations?

29 A. On the Japanese ships they did for quite
30 some time put a man on board to answer the radio-



1 English

2 telephone. I do not think they are still doing it.

3 I have been noticing a few where the radio operators
4 are getting more proficient. Whether it is more pro-
5 ficient in the English language or not, I do not know.
6 I would not really like to say.

7 Q. Recommendation No. 27 has to do with
8 the pilot cabin. It reads: "A clean and sanitary
9 cabin with a proper bunk should be placed at the dis-
10 posal of the pilot on all ships." What is your exper-
11 lence in that regard?

12 A. Well, we go from the most luxurious
13 cabins, I should think, afloat to real dog kennels.
14 In fact I think you would keep your dog's kennel a
15 lot cleaner than some of the cabins we get.

16 Q. Are you satisfied with the accommoda-
17 tion you get from regular traders?

18 A. From regular traders, yes. We get
19 very good accommodation usually, yes. It is from the
20 tramp vessels usually, especially some of the old
21 Greeks, where we really run into bad accommodation.

22 I am thinking of one ship in particular.
23 It was a paint locker and the bench was the bed with
24 what we call a donkey's breakfast, just a straw mattress
25 thrown on it. This was the bed for the pilot. There
26 was still the paint and everything else in there. This
27 was one particular case. The vessel's name was the
28 CICOULA.

29 There is another one on which there
30 must have been three inches of dirt in the cabin all over.



1 English

2 This was filthy. I have never seen anything so filthy
3 and smelly or bad in my life. It was another Greek.
4 It was called the TRANS-WARREN That was another
5 one that was utterly filthy.

6 Another one which was terribly terribly
7 filthy was another one called the HERMIONI I took
8 one look -- it was the last trip of the year -- and it
9 was so utterly filthy that I was in two minds whether
10 to go back to Sarnia. I decided, well, if I go back
11 somebody else has to come. The agent said he would
12 not blame me if I did. It was utterly terribly
13 terribly filthy. These are the things which we object
14 to.

15 Q. Did you have any complaints in that
16 respect from your members, the pilots in your district?

17 A. That crops up every year without fail.

18 Q. You say that your case is not an ex-
19 ception?

20 A. No, no. I have given the three worst
21 ones that I have had recently.

22 Q. Do you know whether there is any in-
23 spection done in that respect in the Seaway?

24 A. I do not think there is any inspection
25 usually. We have taken this up with Ottawa and they
26 said they would have to take it up with the Department
27 of Health.

28 Q. Did you receive any information in that
29 respect since?

30 A. No. We have never received any



1 English

2 information as to whether this has been taken up or
3 whether it has not.

4 Q. Recommendation No. 28 -- pilot boat
5 at Port Weller: "The pilot boat service at Port Weller
6 should be maintained."

7 Evidence has been given as to what the
8 operation is at Port Weller. I think it would be
9 sufficient here for you to state the reasons for that
10 recommendation as far as you are concerned.

11 A. Well, as I have said before, one
12 reason particularly is to get the feel of the ship.
13 The second reason is that you bring a vessel in and
14 it is securely moored and quickly. This operation
15 is -- very often when you are bringing a vessel in
16 there is a vessel leaving Lock 1. You must get that
17 vessel tied up quickly so as not to impede the transit
18 of the outbound vessel. I think if this was left
19 to the various masters to bring it in this is going
20 to slow down the canal to a certain extent.

21 Q. Have you been informed as to what
22 the practice would be in the coming year? Captain
23 Watson gave evidence before this Commission as to
24 what the plans were. Do you know if the plans are
25 the same still or if they have changed since?

26 A. As far as I know the plans are the
27 same as submitted by Captain Watson. We have no
28 information otherwise.

29 Q. Recommendation No. 29 -- unless
30 you have something else to add on this?



1 English

2 A. No, I have nothing else to add on that.

3 Q. "The title of 'supervising pilot' used
4 in District No. 2 to designate the supervisor should
5 be abandoned as it is a misrepresentation."

6 A. Well, of course, there is nothing
7 personal in this. It is just that Captain Watson is
8 the superintendent of the District, but he is not a
9 supervising pilot. He does not hold a pilot's licence,
10 and it is a misrepresentation.

11 Q. I have some more questions directly
12 or indirectly related to your brief, but I would like
13 first to ask you to comment with respect to the comment
14 I received once to the effect -- or I read it in the
15 papers; I do not remember -- that your brief was a
16 pretty strongly worded brief. What do you have to
17 say in that respect?

18 A. Well, I do not think any of us will
19 get the Governor General's Award for literature. We
20 wanted to present a brief and I think we have tried to
21 put a brief in as we felt about the whole situation.
22 That is all. We just tried to express our feelings,
23 not try and bring in any literary masterpiece.

24 MR. JACQUES: In other words you do not
25 go around with a dictionary in your pocket, do you?

26 THE WITNESS: Hardly ever.

27 MR. JACQUES: Some pilots in Quebec do not
28 either, although some people think they should.

29 MR. LALONDE: My Lord, I think even the
30 Quebec Court of Appeal has said that some lawyers could



1 English

2 also go around with a dictionary in their pocket.

3 MR. JACQUES: Agreed, yes, and some do.

4 MR. LALONDE:

5 Q. You said at the beginning of your
6 evidence that these recommendations were read to your
7 members at the last general meeting. Is that correct?

8 A. Yes, they were read and they were
9 discussed at length. If any alteration was wanted
10 to be made it was voted upon.

11 Q. Captain Beatty gave evidence before
12 this Commission and was asked his opinion in connection
13 with his status, if you wish, as a pilot. I understand
14 Captain Beatty is one of the directors of your group?

15 A. Yes, that is right.

16 Q. If I remember well he stated that if
17 his earnings could compare favourably with the earnings
18 of the American pilots in the District doing the same
19 job he would not object to remain on a salary basis.

20 On the other hand I notice that your
21 brief comes out pretty strongly against this opinion
22 and requests that you should be on the same status as
23 the Canadian and American pilots in District 1 and the
24 American pilots in Districts 2 and 3, or Canadian pilots
25 in the St. Lawrence River generally.

26 A. Yes. This was discussed at our
27 general meeting. Captain Beatty was one -- I think he
28 probably was the only one who really went for this. It
29 was discussed at length and it was voted upon. After
30 all, it is run in a democratic way and everybody is



1 English
2 entitled to their own opinion and say-so. Captain
3 Beatty said he certainly was going to go along with the
4 rest of us on the wishes of the rest; however, he cer-
5 tainly reserved the right to his own opinion.

6 Q. Captain Beatty was present at that
7 meeting and he expressed his opinion?

8 A. Oh, yes, definitely.

9 Q. Were there any others there at the
10 meeting who supported Captain Beatty's view in that
11 respect so far as you can remember?

12 A. There was not anyone who spoke to that
13 extent.

14 Q. I have shown you part of the transcript
15 of the evidence given by Captain Johnston before this
16 Commission, and in particular the part where Captain
17 Johnston refers to your examination before a Board in
18 1959 and in which Captain Johnston said that you had
19 a pretty thorough examination, I think. I do not want
20 to go into the exact wording, but it could be summarized
21 that way. You read this part?

22 A. I read that part, yes.

23 Q. What do you have to say?

24 A. I stated it already in St. Catharines
25 and I stick to that statement. There is nothing else
26 to say.

27 Q. Do you remember quite clearly that
28 incident?

29 A. I remember very clearly. As I say,
30 it made quite a big impression on me.



1 English

2 Q. Would you repeat the statement you
3 made in St. Catharines in that respect?

4 A. I certainly will -- that as far as I
5 was concerned there is no examination regarding the
6 District. I said I was in two minutes; I was probably
7 in three. I think what I told them of that examination
8 is right in the evidence here. How long it will take
9 to read as I gave my experience, that is the length of
10 the examination. I am quite sure that it did not take
11 any more than two or three minutes.

12

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1 English

2 Q. Now, the statement was made by Captain
3 Watson in connection with Captain Cote's incident which
4 you remember I am sure?

5 A. Quite well.

6 Q. The statement was to the effect that
7 Captain Cote should have proceeded further in the
8 Welland Canal when he saw he would not get relief be-
9 cause it would not have taken very long before he could
10 have reached the end of the canal from where he was.

11 Do you know where Captain Cote tied up?

12 A. Yes.

13 Q. From your own experience could you tell
14 us how long the rest of his trip could take?

15 A. It could take him seven or eight hours
16 quite easily. There was a large vessel ahead of him.
17 I don't know what was ahead of this vessel, but it was
18 two or three large vessels, which is not unusual for
19 them to be seven or eight hours from that particular
20 point.

21 Q. Now, when you go outside of your dis-
22 trict to do some pilotage on the open waters, what
23 procedure do you follow? You heard Captain Albinson's
24 evidence in that respect?

25 A. Yes. Well, after all the ship is
26 paying for a service. It is up to you to give him that
27 service. If after the river, and it is clear, I
28 immediately go to bed. However, I leave word to be
29 called at Thunder Bay Island, and do the piloting up
30 through the Mackinac Straits, and I usually stay there



1 English

2 with them to Lansing Shoals.

3 Q. Yes?

4 A. I would do the piloting through any
5 narrow stretch of water.

6 Q. Yes?

7 A. Etc., and all the harbours.

8 Q. Is the procedure you followed different
9 from the one explained by Captain Albinson?

10 A. No, I would say it is quite close.

11 Q. I notice in your brief you make a
12 recommendation concerning the St. Lawrence Seaway
13 regulations. Have you been on your own in touch with
14 the St. Lawrence Seaway Authority?

15 A. Yes, and we got our fingers severely
16 rapped for it too.

17 Q. Would you relate these incidents or
18 that incident, when did it occur and what it was all
19 about?

20 A. We had written to the St. Lawrence
21 Seaway Authority requesting a meeting with them with
22 regards to suggestions we had for improvements in
23 despatching and safety in the Welland Canal.

24 Q. What year was that?

25 A. That was in 1962.

26 Q. In the fall or in the spring?

27 A. It was in the spring of 1962.

28 Q. Yes?

29 A. We got a letter back from Mr. Burnside,
30 and he set a time and date to meet them in Toronto at



1 English

2 the Seaway Building.

3 There was an official of the Department
4 of Transport down, and when we all gathered there, Mr.
5 Burnside and -- there was Mr. Mackenzie and Mr. Butt
6 for the Seaway, and there was myself and Captain Tully,
7 Captain Mallette and Captain Cole. When we met in
8 the Board Room, the first thing we did was to get a
9 reprimand, and also the reprimand went to the Seaway
10 Authority for meeting us.

11 Q. You mean there was a departmental
12 official?

13 A. A departmental official there.

14 Q. Who was present?

15 A. It was Captain Seeley.

16 Q. Yes.

17 A. For meeting us. That in future all
18 such things will go through the Department of Transport,
19 and leave it to their discretion; that we will not in
20 any way contact the Seaway Authority directly.

21 Q. Did the meeting take place anyway?

22 A. The meeting took place, yes.

23 Q. Did you discuss the problems you wanted
24 to raise with the Seaway Authority?

25 A. Yes, I have a copy of it here.

26 Q. A copy of what?

27 A. Of the questions that we wanted to ask
28 and discuss with the Seaway.

29 Q. I presume it would be interesting if
30 these were to be filed, if you have them. You can look



1 English

2 for that during the adjournment. Is that all right?

3 A. Yes, I have it here.

4 Q. Did Captain Seeley remain at the meeting
5 during its whole duration?

6 A. Yes, and there was Captain Watson there
7 too at the same time.

8 Q. I understand this was the first and last
9 meeting which you had with the Seaway?

10 A. Yes. Well, it was rather embarrassing
11 for us. I don't know who was being rapped the hardest,
12 whether it was us or Mr. Burnside, and it was rather
13 embarrassing and we certainly wouldn't want to put
14 him in that position again.

15 Q. Yesterday we heard representatives
16 from the Toronto Harbour Commissioners explaining their
17 views as to the local pilots in Toronto Harbour. Have
18 you, during the last couple of years, been called upon
19 to pilot in the port of Chicago yourself?

20 A. Oh, yes, I have been called upon to
21 pilot in Chicago.

22 Q. Do you know whether they have local
23 pilots in Chicago?

24 A. Two years ago, yes, they had local
25 pilots in Chicago.

26 Q. Do you know how many of them there were?

27 A. There were six I think.

28 Q. Do you know what happened with these
29 six pilots?

30 A. I think the Great Lakes Pilots



1 English

2 Administrator told them they couldn't operate any more;
3 that this came under the jurisdiction of the registered
4 pilots.

5 Q. According to the International Agree-
6 ment?

7 A. Yes, I might add that I think the
8 Great Lakes Pilots Administrator made it quite clear to
9 the pilots if they used a port pilot in the Port of
10 Chicago that the shipping companies ---

11 Q. Excuse me, would you repeat this?
12 There was a noise outside. Would you please speak a
13 little louder?

14 A. That the shipping company was certainly
15 within its rights to deduct this port pilotage off the
16 fees of the registered pilot.

17 Q. Yes. In connection with Chicago?

18 A. With Chicago, yes. At that time,
19 two years ago, I think it averaged pretty close to
20 \$100 or a little more; \$100 to \$120 for the port pilot
21 to take a ship in, and it was a straight flat charge of
22 \$50 a day for the ship for us to take it in.

23 Q. Do you know if these local pilots in
24 Chicago were given the opportunity of being registered
25 as pilots if they wanted to?

26 A. I have no idea.

27 Q. When you have been piloting in Chicago,
28 were there representations by the Chicago Harbour
29 Authority that their pilotage was dictated by the
30 Canadian Government, as far as you know?



1 English

2 A. I don't think so. In fact I have been
3 taken off ships to do harbour pilotage. I thought it
4 was unfair that at the time we were taken off ships to
5 do harbour pilotage in there, where it was \$50 for us
6 to do it as against about \$100 and something for the
7 harbour pilot to do.

8 Q. On the technical points, I think you
9 want to say something about some dredging operation in
10 the St. Clair River. I refer you to Exhibit 989,
11 Chart No. 43, St. Clair River, U.S. chart?

12 A. Yes, we would like this shoal to be
13 removed off what we call Bay Point Shoal.

14 Q. You call it?

15 A. Bay Point Shoal.

16 Q. Yes.

17 A. When we are downbound into Sarnia, we
18 like to go close to the Canadian side, down the Canadian
19 side, and get into the counter-current. There is a
20 counter-current which runs up into Lake Huron close to
21 the Canadian side. Come down close and get into the
22 counter-current, and then bring the ship straight into
23 Sarnia. This of course saves a great deal of time
24 to the ship, and especially if they have stevedores
25 waiting on the dock. It is quite a short operation
26 although it might look rather varied to go down with
27 the current behind you and go straight into the
28 government dock, but once you get into the current you
29 get your speed down quite well and I don't think we
30 have had any serious trouble at all going in there. I



1 English
2 would prefer to make it downbound than come down to
3 the Port Huron traffic buoy and turn around and make
4 the trip upbound.

5 I am quite sure that this would be a
6 great help. We have had ships grounded here coming
7 down. They have been drawing 22 feet and get in too
8 close and get stuck on the 19-foot patch which is
9 inside the buoy.

10 Q. With the red pencil would you please
11 indicate by an "X" on the insert on Chart 43, Exhibit
12 989, the area where you would like the dredging to take
13 place. (Witness complies). Have you made repre-
14 sentations to that effect before to anybody?

15 A. No, we haven't.

16 Q. I want to come back to your Corporation.
17 I have two documents here, one signed by a Mr. Kroeker
18 and the other one, a copy of a document, which appears
19 to be a statement of receipts and disbursements for
20 your Corporation for 1962 and 1963. Are these docu-
21 ments balance sheets ---

22 A. Yes. Mr. Kroeker is a chartered
23 accountant, and these are the statements he gave us when
24 the books were audited.

25 Q. Mr. Kroeker is your auditor?

26 A. That is right.

27 Q. Have these audited statements been made
28 available to your members?

29 A. Yes, they have been read out at the
30 general meeting.



1 English

2 MR. LALONDE: I would like to file these
3 two documents together, financial statements for the
4 Corporation of Professional Great Lakes Pilots, 1962 and
5 1963.

6 THE SECRETARY: Exhibit 1121.

7
8 ---EXHIBIT NO. 1121: Financial statements for
9 the Corporation of Professional
10 Great Lakes Pilots, 1962 and
11 1963.

12 Q. I understand that you collect dues
13 from your members to finance your organization. Is
14 that the way you proceed?

15 A. Yes, we collect -- it is left to them-
16 selves to put the cheques in. We don't go around ---

17 Q. How much is the due?

18 A. Ten dollars per month.

19 Q. Over a twelve-month period?

20 A. Over a twelve-month period, yes.

21 Q. I show you Exhibit 1050, which has
22 been filed as a list of members of your organization.
23 Would you tell me whether this is a complete list or
24 whether you have other members who have joined lately?

25 A. We have one other member that has
26 joined lately. That is Captain Lowe.

27 Q. Would you give his first name also,
28 please?

29 A. James.

30 Q. That will be another name to be added
to this list?



1 English

2 A. Wait a moment. I think there is another
3 one. Yes, there is a Captain J. Perry.

4 Q. J. Perry?

5 A. Yes, and J. Lowe. There is another
6 one who has phoned and said he wishes to join, but we
7 haven't seen him as yet.

8 Q. Now, I would like to conclude with
9 reference to a document which has been produced as an
10 exhibit before this Commission. That is Exhibit 1078.
11 You probably heard that great importance was attached
12 to this document. It is a document which the Shipping
13 Federation of Canada made available to all ships, and
14 it was said before this Commission that that document
15 was to be put in the wheelhouse of all deep sea ships
16 and was to be their guide as to travelling on the Great
17 Lakes, and that this document should be sufficient to
18 help the masters of ships to guide their ships on the
19 open waters without any difficulty and without the need
20 of the assistance of any pilots.

21 MR. BRISSET: Well, I must object. We
22 didn't say it was the only guide to ocean ships' masters.
23 We said it would assist them; not that it would be suf-
24 ficient.

25 MR. LALONDE: Did you not say it would help
26 them to dispense with lake pilots?

27 MR. BRISSET: No.

28 Q. I am showing you this document, Notes
29 on Rules of the Road for the Great Lakes. I would
30 like you to have a careful look at this document and



1 English

2 tell me whether this document gives correct information
3 as to what the rules of the road are on the Great Lakes.

4 A. No, this doesn't give correct infor-
5 mation. It has one very, very glaring error.

6 Q. Would you tell the Commission what is
7 that very glaring error?

8 A. Well, the confusion in signals. This
9 is quite a cardinal sin to any mariner, the confusing of
10 signals. It says here "Overtaking".

11 Q. Yes, under Rule 28?

12 A. Yes, Article 28 in the Rules of the
13 Road.

14 Q. Yes?

15 A. C sounds one blast to overtake on
16 starboard side. D gives permission with two blasts.
17 This is contrary to Article 28, and I would say if this
18 was put into operation, quite probably an accident
19 would result.

20 Q. Would you read the relevant part of
21 Article 28 in that respect and tell us what the rule
22 should read as the example given for C and D?

23 A. "When one steam vessel is overtaking
24 another and the steam vessel astern shall desire to pass
25 on the right or starboard side of the steam vessel
26 ahead, she shall give one distinct blast of the whistle
27 as a signal of such desire and, if the vessel ahead
28 answers with one blast, she shall direct her course
29 to starboard; or if she shall desire to pass on the
30 left or port side of the vessel ahead, she shall give



1 English

2 two distinct blasts of the whistle as a signal of such
3 desire and, if the vessel ahead answers with two blasts,
4 she shall direct her course to port."

5 In this case here the vessel is wishing
6 to direct her course to starboard, and it has D's
7 permission with two blasts. In other words, if D
8 gives permission with two blasts, it would mean go to
9 port, but they say to starboard, and this is confusion
10 of signals, and I would say it is dangerous. If they
11 are going to be passing on the starboard side, the D
12 is going to be coming to starboard and C on the star-
13 board side, and this is a dangerous situation.

14 MR. BRISSET: I haven't a technical adviser
15 with me this morning. In 1958 the first printing of
16 this document showed an error, and it was replaced.
17 Now, I wonder whether the document that is before the
18 Commission now was the wrong one.

19 Q. Did you see the document with the error
20 on it aboard some ships which you had to pilot?

21 A. Yes, and I told them about it.

22 Q. Excuse me.

23 A. I told the vessels about it, and even
24 covered it up with a piece of paper. I might say I am
25 the one who brought it to the attention of the Shipping
26 Federation that they had issued the wrong one.

27 MR. BRISSET: Everybody's face is going to
28 be red because after 1958 the steamship inspector of
29 the Department of Transport was the one who posted this
30 in the wheelhouse of a ship, so I can assure the



1 English

2 Commission we will go to the bottom of this and find out
3 whether we have the wrong one.

4 MR. JACQUES: It shows very, very poor
5 proof reading.

6 BY MR. LALONDE:

7 Q. You say you yourself brought it to the
8 attention of the Shipping Federation?

9 A. Yes.

10 Q. Whom did you get in touch with?

11 A. Captain Crawford.

12 Q. Who was at that time supervising pilot?

13 A. Yes.

14 Q. At District 2?

15 A. Yes.

16 Q. Do you know if subsequently the notice
17 was changed on all ships, or on all ships you piloted
18 obviously? Did you find the error later on again?

19 A. I seen it on probably one or two, but
20 most of them have a piece of paper glued across that,
21 but I have definitely seen it on one or two, and one of
22 the first things, I go and have a look at it when I
23 see it is posted in the wheelhouse to see if it is the
24 right one or the wrong one.

25 Q. The way you explained this, I understand
26 that if this signal was abided by the two ships would
27 come together?

28 A. They would be converging.

29 Q. Instead of separating?

30 A. Yes.



1 English

2 MR. JACQUES: Do you know of any accident
3 caused by this mistake in the exhibit?

4 THE WITNESS: No, I don't know of any
5 accident that has been caused by it. Probably there
6 have been some strong words if this has gone on from the
7 overtaken vessel I would say.

8 MR. BRISSET: The ocean vessel's master
9 knew better than to follow this then?

10 THE WITNESS: I don't know. I would say
11 that if you listen to the radio-telephone you hear
12 some pretty strong words at times, and this might have
13 been one of the causes of it.

14 BY MR. LALONDE:

15 Q. Finally, Captain, you had a joint
16 meeting in Ottawa last winter, I think, or was it 1963?

17 A. Early 1963.

18 Q. You said you had representatives of all
19 the organizations or at least two organizations of
20 pilots in your district at that meeting?

21 A. And also people who weren't in either
22 of the two.

23 Q. Did you bring with you also a pilot of
24 District No. 3?

25 A. That is correct.

26 Q. What was his name?

27 A. Captain Harrison. Captain C. Harrison.

28 Q. As a whole group you were trying to
29 speak for all the Canadian pilots in District 2 and
30 District 3?



1 English

2 A. That is correct.

3 THE CHAIRMAN: Before going into cross-
4 examination we will have a short adjournment.

5 ---Short recess.
6

7

8

9

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1 English

2 CROSS EXAMINATION BY MR. BRISSET:

3 Q. Captain Stevenson, in the latter part of
4 your evidence you spoke of the situation in Chicago
5 at the times you were called upon to dock and undock
6 ships in Chicago and you told us that you did not con-
7 sider the situation was fair for the pilot of your Dis-
8 trict at the time because he was getting \$50.00 for the
9 job while the local port pilot was getting \$120.00. When
10 you stated that have you considered what was fair to the
11 ship owner, too?

12 A. I did not go so far as to state that. I
13 did not think it was fair to the other pilots, that we
14 were doing it for far less. That is what I am referring
15 to.

16 We are on salary. As far as we are
17 concerned it did not make any difference directly to
18 us. However, it certainly was not fair to the other
19 pilots that they had this set-up and we were doing it
20 for a fraction. Also, we could do any moves in and out
21 for that same \$50.00, where they were getting paid. We
22 might do probably two or three movages of that ship
23 for that same \$50.00 for that period.

24 Q. Reverting to the position of the ship,
25 you appreciate, of course, that the ship at that time
26 wanting a pilot in Chicago and given a pilot from your
27 District would take this pilot at Sarnia, pay him \$50.00
28 a day for the trip to Chicago, keep the pilot on board,
29 pay him \$50.00 a day during that period and again \$50.00
30 a day until he was disembarked at Sarnia?



English

1 A. If he was going to be there for a day,
2 you usually got off. You called in and said you thought
3 he was going to be there -- there was a shortage of
4 pilots anyway -- he was going to be there over a day,
5 and you got off and you went back to Port Huron.

6 Q. Will you be in a position to contradict
7 me though if I said to you that for this service by
8 a District 2 pilot it might cost the ship something
9 like \$400.00 at that rate of \$50.00 a day for the
10 voyage including time in port?

11 A. I could contradict you to the point that
12 I still have some of the slips, especially of 1961.

13 Q. Well, at all events if you were not
14 kept on board while a ship was loading or discharging
15 your expenses back from Chicago to your base would
16 have to be paid by the ship as well as the expenses
17 of the pilot?

18 A. Well, they are not heavy.

19 Q. To be sent to Chicago, when the ship was
20 ready to leave?

21 A. Yes. Well, they are not heavy. I think
22 the last time I left Chicago I took a sleeper. Of
23 course there is one meal involved in there. I think
24 the expenses were about \$28.00.

25 Q. Captain, you told us that you sailed
26 foreign until 1954?

27 A. That is right.

28 Q. In 1954 you joined the Canada Steamship
29 Lines?

30 A. Yes.



1 English

2 Q. And you were sailing on the Lakes in 1954?

3 A. No, 1955.

4 Q. 1955? So in 1954 you were still sailing
5 foreign?

6 A. That is right.

7 Q. In 1955 when you joined the C.S.L. on
8 what ships did you serve and in what capacity?

9 A. I went third mate with them on the CITY
10 OF KINGSTON and I went to the SELKIRK and WAYBURN.

11 Q. You were third mate?

12 A. That is right.

13 Q. Being third mate you would take your
14 watch with the Master, would you not?

15 A. I took my watch; I do not know whether
16 I took it with the Master.

17 Q. Normally with the third mate on watch
18 isn't the Master on the bridge?

19 A. No, not if he has anybody he can rely
20 on.

21 Q. At least in restricted waters in the
22 Canal the Master would be there if it is the third
23 mate's watch?

24 A. Yes.

25 MR. JACQUES: Excuse me, but in your
26 particular case did the Master stand his watch with
27 you?

28 THE WITNESS: Oh, no, not all the time,
29 not by any means.

30 MR. BRISSET: Q. He will not in open



1 English

2 waters?

3 A. In the canals the mate is not up there
4 anyway, shall we say, in locking or such like for the
5 simple reason that he is down on deck and mooring
6 and such.

7 Q. Am I right then to say that during
8 your year with C.S.L. in 1955 you did not actually
9 have to handle your ship in the canals?

10 A. No.

11 Q. You still had to take watches particularly
12 in the open waters?

13 A. Oh, yes.

14 Q. Did you have any difficulty in acclimatiz-
15 ing yourself to the lake rules of the road then?

16 A. No.

17 Q. It came naturally after your time sailing
18 foreign?

19 A. My honest opinion is that if you cannot
20 read and digest the inland rules of the road you are
21 certainly not in any fit capacity to be on the bridge
22 of a ship.

23 Q. I entirely agree with you, Captain. In
24 1956 you started as a sailing Master under contract?

25 A. That is right.

26 Q. With the French Line?

27 A. Yes. I had had one ship in 1959 with
28 the French Line. I was offered a contract in 1956.

29 Q. You were a regular sailing Master during
30 the season of 1956?



1 English

2 A. That is correct.

3 Q. And as sailing Master on ocean vessels
4 you would handle these vessels in the restricted waters?

5 A. Yes, that is right.

6 Q. Did you have any difficulty in doing
7 that the first year?

8 A. No. I think they were very satisfied
9 with me. They certainly gave me good recommendations
10 and I was certainly made very welcome.

11 Q. Even though you had not handled even
12 lake ships in restricted waters before that year?

13 A. I was probably at an advantage. I was
14 used to ocean-going ships.

15 Q. What do you mean by that? Do you mean
16 what I think Pilot Bell said, that ocean ships do
17 handle more easily than lake vessels?

18 A. They do? Again this is completely
19 argumentative and to say that they handle easier --
20 again no ship handles the same. So to make a statement
21 like that; that is rather ridiculous.

22 If you can say that you get a big turbine
23 ship and it handles better than a lake ship, there is
24 something wrong there. Some vessels handle easier;
25 some handle a great deal harder. It is very argumenta-
26 tive. There are no two ships handle the same.

27 Q. Let us go back to your stint as a sailing
28 Master in the years 1956 and 1957. In 1956 you told
29 us you were under contract and in your brief you say
30 in 1957 the contract system was abolished?



1 English

2 A. That is correct.

3 Q. Were you at the time a member of the
4 Great Lakes Pilots Association?

5 A. Yes.

6 Q. Did you join the Association from the
7 beginning when it was formed in 1956?

8 A. I think I joined in the early part of
9 or during the winter months at that time. I could not
10 just say when they had actually formed, but I was
11 living in Montreal when they contacted me and asked
12 me if I would join them.

13 Q. So you would have joined during the
14 winter of 1956/1957?

15 A. Yes.

16 Q. Did you have any official position in
17 the Association at the beginning of the season of 1957?

18 A. No, I had no official part in it.

19 Q. Did you participate in any way with the
20 negotiations that took place at the beginning of the
21 year 1957 between the Great Lakes Pilots Association
22 and the Shipping Federation of Canada?

23 A. No. The only thing I did was when I
24 received my contract I sent it to the lawyer who was
25 doing the negotiating.

26 Q. Were you aware that the Great Lakes
27 Pilots Association had retained the services of Mr.
28 Paul Gerin-Lajoie at the time to carry on the
29 negotiations with the Shipping Federation?

30 A. Yes.



1 English

2 Q. You were?

3 A. Yes.

4 Q. Were you kept advised by the officers
5 of your Association of these negotiations?

6 A. I think so, but I was away. I did some
7 three months at that time of naval service.

8 Q. I thought you had done that at the
9 beginning of 1958, not 1957?

10 A. I did it in 1958 too.

11 Q. I was left under the impression, hearing
12 your evidence at St. Catharines, that the contract
13 system of sailing Masters had been abolished by the
14 sailing Masters themselves or their Association?

15 A. It was elected to, yes, to go tour-de-role.

16 Q. Would it be more correct to say that it
17 was so abolished because the Shipping Federation of
18 Canada made it a condition that it be abolished for
19 the 1957 season as one of the conditions of the contract
20 then entered into between the Shipping Federation and
21 the Association?

22 A. I would say that that would be news to
23 me indeed.

24 Q. So you are left under the impression
25 that the tour-de-role system for sailing Masters was
26 the decision of the sailing Masters themselves?

27 A. As far as I know it was brought up at
28 a general meeting and it was voted upon and agreed upon.

29 Q. Not as a proposal of the Shipping Fed-
30 eration?



1 English

2 A. I saw no proposals whatsoever. I do not
3 think they had even met at the time we had this. Now,
4 I would not say for sure, but I do not think so.

5 Q. But you do not recall whether at the
6 meeting you were told that this was a proposal of
7 the Shipping Federation?

8 A. I am quite sure it was not, that it was
9 a proposal of the Shipping Federation. However, Captain
10 Andrews has all the correspondence at this time still
11 and he is available. I would suggest that (he was
12 the President) you contacted Captain Andrews and got
13 him on. He is the man who has all this material and
14 information.

15 Q. Let us proceed to the following year,
16 the year 1958. Will you tell us what were the
17 affiliations of the Great Lakes Pilots Association at
18 the time with other organizations, labour organizations?

19 A. I would say that it was very, very
20 loosely affiliated with the Masters, Mates and Pilots.
21 However ---

22 MR. LALONDE: Excuse me; are you
23 referring to an American organization?

24 THE WITNESS: I am referring to an
25 American organization.

26 MR. LALONDE: Called the International
27 Organization of Masters, Mates and Pilots?

28 THE WITNESS: Yes. I would say it was
29 very loosely affiliated because as far as I know no
30 money was ever sent over to them and we were never



1 English

2 assessed money for it. I would say it was very loose
3 and there was some argument as to whether we were
4 affiliated or not.

5 MR. BRISSET: Q. So your answer is
6 that the Great Lakes Pilots Association was loosely
7 associated with the International Organization of
8 Masters, Mates and Pilots of America?

9 A. Yes, I would say very loosely at that too
10 because as far as I know there was nothing ever signed
11 with them. As far as I know no monies were ever sent
12 to their organization.

13 Q. Captain Rolla R. Johnson was the
14 President of that organization; do you know that?

15 A. Yes.

16 Q. What affiliation had the Great Lakes
17 Pilots Association with the SIU at the time?

18 A. None whatsoever.

19 Q. The Great Lakes Pilots Association was
20 not an affiliate of the SIU?

21 A. Definitely not, nor with any seamen's
22 union. That was the only one that it was loosely
23 affiliated with.

24 Q. Was there also a loose connection
25 with the SIU at the time?

26 A. Definitely not; the name was never
27 brought up as far as I know.

28 MR. LALONDE: And the Teamsters?

29 THE WITNESS: No, nor the Teamsters
30 either.



1 English

2 MR. BRISSET: Q. So therefore, Captain,
3 if Mr. Banks at the time was issuing releases and
4 writing to ship owners referring to the Great Lakes
5 Pilots Association as an affiliate of the SIU he
6 would be ---

7 A. On his own.

8 Q. On his own telling something that was
9 not true?

10 A. Certainly, because this was never
11 brought up at any meetings and I am quite sure if it
12 had it would have been voted down. There was definitely
13 no affiliation whatsoever.

14 Q. At all events you were not personally
15 aware of any such affiliation?

16 A. I most certainly was not aware of any
17 such affiliation.

18 Q. Do you recall at this time, 1958,
19 pressures being made on ship owners to take on board
20 their vessels American sailing Masters?

21 A. I do not think so. In 1957 we had three
22 if not four Americans working as sailing Masters in
23 1957 with us and doing exactly the same work.

24 Q. But wasn't there pressure made by the
25 Great Lakes Pilots Association in these years, 1957 and
26 1958, to bring in American sailing Masters within the
27 roster of sailing Masters serving at the time?

28 A. There was no great pressure. There was
29 Fleming who had been a sailing Master for quite some
30 years in the group and he was under contract to Swedish-



1 English

2 America Line. He is now working in District 1. I
3 do not know how many years he had been working in the
4 group of sailing Masters -- certainly quite a few.

5 Q. In paragraph 2 of your brief, Captain,
6 you state: "On the 16th of April, the very day that
7 the shipping season started, the Shipping Federation
8 sent out telegrams to some 25 of the 42 members
9 informing them that the sailing Master system had
10 been abolished"?

11 A. That is correct.

12 Q. You were away, I think you mentioned to
13 us, in the early months of 1958?

14 A. Yes.

15 Q. Were you nevertheless upon your return
16 advised of the negotiations that had been carried on
17 between Captain J. M. Andrews, the President of your
18 Association, Captain Rolla R. Johnson of the Inter-
19 national Organization of Masters, Mates and Pilots and
20 the Shipping Federation of Canada with respect to this
21 particular question, the abolition of the sailing
22 Masters system and the creation of the Port Weller/Sarnia
23 District?

24 A. We had a general meeting on April 5th.
25 Here it was given to us that there had been meetings.
26 I do not have the minutes and it is quite some time ago.
27 I cannot say just exactly what went on. However, we
28 were led to believe that negotiations were going on
29 and would continue to go on. I feel that this entire
30 thing, if this had been handled properly by both the



1 English

2 Department of Transport and the Shipping Federation,
3 none of this trouble would have ever happened.

4 Q. So you lay the origin or source of
5 the trouble at the time to the Department of Transport,
6 the usual goat?

7 A. No.

8 Q. And the Shipping Federation?

9 A. Yes. I feel that ---

10 MR. LALONDE: The real goat.

11 MR. BRISSET: I am sorry if I use this
12 expression.

13 THE WITNESS: Let us say that I just say
14 the trouble stems right from there. There was obviously
15 some union at the time between the Department of
16 Transport and the Shipping Federation from which, as
17 you might say, was spawned a bastard child. That is
18 about it. You certainly cannot say it is anything else.

19 Had this been done in the proper manner
20 and the Shipping Federation and the Department of
21 Transport come to the pilots and said: "We are going
22 to set up this with your approval; we are going to
23 set up a District", and discussed this with us, there
24 would have never been any trouble. But it was done in
25 such a way that nobody knew just exactly what was going
26 on. The Department of Transport denied they were having
27 anything to do with it on the one hand and yet Captain
28 Jones and Captain Matheson and Captain Downey went
29 around setting the thing up prior to the opening of
30 the District.



1 English

2 If this is a fair and straight way of
3 doing it, I do not think so. What you did was set up
4 something that was -- as I say, if it had been done
5 legally and if this had been a union done legally, there
6 would never have been any trouble in setting up as a
7 District. But it was never done legally. One fellow
8 is driving around with you setting up the District
9 and we are getting messages from them saying this is
10 not done with their approval. The whole thing was at
11 sixes and sevens. What are the men to believe?

12 Q. Captain, when the sailing Master system
13 was in effect had the Department of Transport anything
14 to do with this or was it organized on a purely private
15 enterprise basis by both the pilots and the Shipping
16 Federation?

17 A. It was done on a purely private enter-
18 prise system. Nevertheless pilotage is an industry
19 which comes under government supervision, and if you
20 wanted to set it up as a pilotage District, this should
21 have been done properly. This is my contention. You
22 have asked for it and you have got it.

23 Q. Did you consider that the work of the
24 sailing Master was pilotage?

25 A. It was definitely pilotage. You could
26 not call it anything else but pilotage.

27 Q. But still you did not think that the
28 Department of Transport had any reason to interfere
29 with it or control it when it was in effect?

30 A. I think that this should have been set up



1 English

2 as a pilotage District, that the Shipping Federation
3 and the Department of Transport should have come to the
4 pilots and said: "We are going to set up a District
5 here. Now, how many men have you got? How can we
6 do it?", and gone on from there. That is what should
7 have been done.

8 Q. Am I right in understanding from your
9 evidence that if this had been done you would not have
10 objected to the setting up of this pilotage area
11 between Port Weller and Sarnia instead of the old
12 sailing Master system?

13 A. I think that if you would have set it
14 up as a pilotage area, I do not think there would have
15 been any trouble except for a time amongst the sailing
16 Masters. There were some very old men at that time
17 and if the ships had been wanting pilots on the open
18 Lakes, I think those old men would have been glad to
19 do it, because they certainly were not in the physical
20 condition to do pilotage as the pilotage District was.

21 Q. When you say that you would not have
22 objected to a pilotage District in this area if it
23 had been properly done, am I right in understanding that
24 this was not only your view but also the view of your
25 Association as a whole?

26 A. I am quite sure that would have been
27 the view of the Association. However, Captain Andrews
28 is present. I would suggest you ask him.

29 Q. In other words, Captain, you were in
30 agreement with the principle that pilotage should be set



1 English

2 up where needed and not under the old sailing Master
3 system all across the Lakes? You only objection was
4 to the manner in which it was done?

5 A. Very much so to the manner in which it
6 was done. I agree that there should be pilotage. I
7 think there should be port pilotage everywhere and I
8 think there should be proper pilotage Districts. I
9 do not think anything should be done in a haphazard
10 manner.

11 Q. In the same paragraph 2 of your brief,
12 Captain, you say that as only about 25 out of the 42
13 sailing Masters were offered jobs, this precipitated
14 a work stoppage which left a bitterness amongst the
15 pilots which is still in evidence today. Must I
16 understand from this statement that the work stoppage
17 which you referred to in this paragraph was only
18 brought about by the altruistic motive that only a
19 few of the sailing Masters would get a job and others
20 would be left out?

21 A. Personally I think so. If this had been
22 done properly I do not think anybody should have been
23 left out.

24 Q. Even the old sailing Masters?

25 A. Some of those old sailing Masters were
26 again employed in 1959 on a private basis when the
27 ships came up the -- when the Seaway was opened.
28 Some of those old fellows were certainly employed then.

29 Q. Even though you concede on the other
30 hand that doing pilotage within a real pilotage area



1 English

2 would have been beyond their physical capacity?

3 A. Yes, but they certainly took the ships
4 up to Duluth and they were employed in that when the
5 Seaway opened. After all, there is a big difference
6 between taking a ship up to Duluth and going up and
7 down that Canal. There certainly is a great deal of
8 physical difference in the work involved.

9 Q. Captain, what is the basis for your
10 statement that only about 25 out of 42 sailing Masters
11 were offered jobs and sent the telegrams, which you
12 filed during the course of your evidence as Exhibit 1045?
13 What is the basis for this statement?

14 A. Oh, that? Just by talking to the men
15 and finding out who got them and who did not get the
16 telegrams. I may be wrong five pilots either way, one
17 way or the other, but I think it was around 25.



je

1 Q Do you know how many there were over 65
2 years of age out of the 42 that you mentioned at the
3 time?

4 A I have no idea. I wasn't an Officer. I
5 had no access to records.

6 Q You would not disagree with me then if
7 I told you there were 10?

8 A That were over 65?

9 MR. LALONDE: I don't think the witness
10 can either agree or disagree.

11 Q You can't?

12 A I don't know.

13 Q Do you know if there was one who was I
14 believe 78?

15 A Could be. Again, I can't agree or dis-
16 agree.

17 Q You can neither agree or disagree?

18 MR. LALONDE: There are still very able
19 men at 78 or nearby.

20 MR. BRISSET: Able to stand up on their
21 feet for eighteen hours at a time?

22 Q Captain, you were back in the district
23 in April and May of 1958?

24 A No, I was not.

25 Q When did you get back?

26 A June 15.

27 Q June 15 only?

28 A Yes. I went down and I talked to Captain
29 Jones, and I think Captain Andrews has letters that said
30 it wasn't with their approval, and I went and saw Captain



1 Jones in June of that year. He said "Yes, it has our
2 approval. If you don't go back to work, you won't be
3 in on Pilotage anyway."

4 I wasn't exactly happy with that. I
5 went down to Montreal and I saw Captain Russell in
6 Federal Commerce -- who was Operating Manager of
7 Federal Commerce -- we had a long talk about this.
8 Actually I went down to see about getting a job with
9 Federal Commerce, and I think I had said Captain
10 Russell has been a friend of mine, and probably still
11 is a friend of mine, and he suggested that I go to
12 work in the district, but he said that he didn't have
13 anything immediately.

14 He would have something in the northern
15 area, ships going up into the Hudson Bay, and that he
16 probably would have something there.

17 However, as I say, we had quite a long
18 talk, and he suggested I go back to work in the district.

19 Q Captain, I know I am going back five
20 years, and I do not want to tax your memory too much,
21 but I want you to think again about what you were doing
22 in the months of April and May of 1958.

23 MR. LALONDE: That is six years ago.

24 THE WITNESS: What was I doing?

25 Q Yes. For instance, during the month of
26 April, the end of April 1958, beginning of May, were
27 you not served with injunction proceedings to stop you
28 picketing pilots at Kingston?

29 A Oh, yes.

30 Q So you were there?



1 A Yes, I was there. I was living in
2 Kingston, of course.

3 Q That was the end of April, 1958?

4 A The end of April, 1958. I think it was
5 served about the 25th of April, wasn't it?

6 Q You were there if you were served with
7 injunction proceedings?

8 A Yes.

9 Q Why were you picketing at Kingston to
10 prevent the river pilots from boarding the vessels?

11 A Again we are getting down to the way
12 that everything was done. Let us say this: that it was
13 not, shall we say a case of -- it was a case of being
14 suddenly abolished. There was the case we wanted all
15 men working at that time. I don't think any reasonable
16 meeting had been made with the Shipping Federation.

17 Obviously there was only one way to get
18 the attention of others focused on the plight because
19 that is all it could be called, a plight, and I think
20 the best way to do it was to picket and let everybody
21 know just what is going on, or try and let everybody
22 know what was going on.

23 Q Do you recall, Captain, that you had a
24 lawyer in Toronto who filed a defence in the injunction
25 proceedings against you and others, and the defence
26 was that for safety of navigation on the Great Lakes,
27 the sailing master system should not be abolished, and
28 ocean ships would have pilots all through the Lakes.

29 A I wasn't at the proceedings, and I don't
30 know what went on.



1 Q So if that defence was filed you had
2 nothing to do with it?

3 A I had nothing to do with it. I wasn't
4 an Officer at the time.

5 MR. LALONDE: Nor a lawyer.

6 THE WITNESS: I didn't have a lawyer
7 either. It was quite a shock when I got the injunction
8 too.

9 Q Now, referring to other activities, were
10 you one of the sailing masters who were going up and
11 down the Welland Canal with cars fitted with loud-
12 speakers trying to drown the comments of the pilots on
13 board ships that were then going up and down the Welland
14 Canal?

15 A Definitely not, and I don't know who was,
16 but I had no part in any such procedure whatever. I was
17 home.

18 Q That part of the activities of the sail-
19 ing masters was not one in which you participated?

20 A It isn't my way to argue with anybody.
21 Everybody has their rights, I suppose, to do what they
22 wish I maintain.

23 Q You told us that at all events you
24 decided to join the pilots who were then working in the
25 newly set up district in June of 1958?

26 A Yes.

27 Q I think the words you used in St.
28 Catharines were "If you can't fight them, join them."?

29 A Yes.

30 MR. LALONDE: I hope my friend proceeds



1 to the next question. I would just like to mention
2 that the events he has mentioned have not been establi-
3 shed before the Commission as yet.

4 Q You recall the date you joined?

5 A The 15th of June.

6 Q Do you recall having given a press
7 release at the time to the Toronto Globe & Mail?

8 A I didn't give a press release. I don't
9 know that you would call it that. I went to work and
10 somebody called me up and asked me why, and I said I
11 had asked our association. The 5th of April had been
12 the last general meeting we had, and I thought in view
13 of circumstances I thought we should have a general
14 meeting and try to get to the bottom of it, and I had
15 been told that the members didn't want a general
16 meeting.

17 I said "That is just tough then. If
18 that is the case I don't care." Is that what you are
19 saying?

20 Q I would like to read to you what appeared
21 on June 13 in The Toronto Globe & Mail, and perhaps
22 that will refresh your memory. At the time you had
23 this telephone conversation, you are reported as having
24 stated this, and I quote --

25 MR. LALONDE: What is The Toronto Globe
26 & Mail?

27 Q The Toronto Globe & Mail, "I have been
28 willing to hold out so long as everything was clean
29 and above board, but when it failed to be above board,
30 it is time to get out, the lake pilot said. The



1 Federation ships have been blacklisted by the associ-
2 ation since April 18. Captain Stevenson said his chief
3 objection was as to the refusal of the pilots executive
4 to hold talks with the shipowners.

5 He said the Union leaders are sulking in
6 a corner," and so forth.

7 A Actually I didn't talk to the Globe &
8 Mail. I forget who it was, but the reporter for the
9 Whig Standard -- I was having a quiet talk with him,
10 and he says you had better be careful who you talk to.

11 If I remember rightly I didn't talk to
12 The Globe & Mail. I think I was having a beer with
13 somebody downtown in Kingston. I think that is how it
14 all came about.

15 MR. LALONDE: Is my friend going to file
16 the excerpt from The Globe & Mail?

17 MR. BRISSET: Yes, if you wish.

18 MR. LALONDE: He is reading from a
19 document. Could he file this document as well?

20 MR. BRISSET: It will be filed.

21 THE CHAIRMAN: We will give it a number
22 right now.

23 MR. LALONDE: I don't know what he was
24 reading from if it is not an extract from The Globe &
25 Mail.

26 MR. BRISSET: My own notes, My Lord.

27 THE CHAIRMAN: Exhibit 1122.

28 ---EXHIBIT NO. 1122: Excerpt from Globe & Mail,
29 June 13th.
30



1 English

2 MR. BRISSET: Q. Tell us what was not
3 clean and above board in what was going on in the Pilots'
4 Association?

5 A. What I objected to --

6 MR. LALONDE: I am sorry, the witness
7 has not been asked whether he has said this or not.
8 He said he did not speak to a reporter from The Globe
9 and Mail.

10 MR. BRISSET: Q. Let's start at the
11 beginning. Did you say it or didn't you, or words to
12 that effect?

13 A. I don't know if I said every thing to
14 that extent. This is about the first time -- one of
15 the times when I realized you had better keep your
16 mouth shut at all times because things get a little
17 bit distorted. I don't know that I went that far.
18 I probably told him I figured, especially with the
19 hollering that was going on around the Welland Canal,
20 that this to me was lowering the profession very, very
21 badly, and I didn't like it. That was one of the
22 things, and probably the thing that I was referring to.

23 The second thing, of course, was the
24 fact that there had been no meeting for quite some time,
25 and a general meeting, not so much a meeting with the
26 Federation, but a general meeting. Business like this
27 going on for two months, dragging on, and no general
28 meeting, and some of the men not really being properly
29 informed.

30 Q. In other words, you were not properly



1 English

2 informed by your executive; that is, the officers of
3 the Association, of what was going on? Is that what
4 you mean?

5 A. I would say that, yes.

6 MR. LALONDE: That is after.

7 MR. BRISSET: Q. For the last two
8 months before June; from the 15th of April to the 15th
9 of June?

10 A. In regard to this, I don't think that the
11 officers were informed to the extent -- as I say, the
12 whole thing was up in the air. Had they been informed
13 that this was with the approval that there was going to
14 be a District, I don't think any of this would have
15 happened. The whole thing was misinformed.

16 Q. Were you aware of the activities of
17 Captain Rolla R. Johnson at the time?

18 A. I haven't been aware. Since then I have
19 heard many stories. Just how much you can believe or
20 disbelieve I don't know, and as I say, they can be
21 pretty wild sometimes and sometimes they are not.

22 Q. Am I correct in concluding if the
23 officers of your Association were in close contact
24 and working with Captain Rolla R. Johnson, this was
25 unknown to you?

26 A. They were working, but to what extent
27 they were working, I couldn't say. I wasn't an officer.
28 To what extent they were working I couldn't say. I have
29 already said as far as I knew everything was quite
30 loosely knit. Just to what extent this went on I



1 English

2 couldn't say. I wasn't an officer. As I say, if you
3 want to get the officer, I wasn't an officer of the
4 Association.

5 Q. Now, reverting back to your statement
6 in paragraph 2 about the bitterness left among the
7 pilots which you ascribe to the fact that jobs were
8 offered to only 25?

9 A. The bitterness is not that they were
10 offered to 25. The bitterness lies in the fact that
11 it was decided that we either all go to work or we all
12 stay, and the ones who hadn't been offered contracts,
13 didn't jump in feet first. This left a bitterness
14 that people would do tricks like this when we were
15 out to try to keep them their jobs. This is where
16 the bitterness came in.

17 Q. Would it be possible, Captain, that
18 the bitterness that you say still exists might result
19 from the fact that some of the sailing Masters at the
20 time in May, 1958, joined the new District and others
21 fought them and fought the Shipping Federation all
22 through the year?

23 A. This has certainly helped towards the
24 bitterness, yes.

25 Q. Are you aware that some of the sailing
26 Masters and pilots who joined the roster in April and
27 May, 1958, lodged criminal complaints against some
28 of the sailing Masters that were harassing them along
29 the Welland Canal?

30 A. I was not aware of it.



1 English

2 Q. In the season of 1958?

3 A. I was not aware of it.

4 Q. But if that did happen --

5 MR. LALONDE: Oh, come on. I am sorry,
6 My Lord --

7 MR. BRISSET: Don't you think that
8 there would be some bitterness left ---

9 THE WITNESS: It would help some.

10 MR. LALONDE: I suggest that Counsel
11 for the Shipping Federation get his witness in the box
12 and bring this out. The witness has said he was in
13 Kingston between April and June. He said he doesn't
14 know whether any criminal complaints were made, and
15 he knows quite a lot about these criminal complaints
16 generally. In many instances they are laid
17 by some employers to begin with, and secondly they
18 are withdrawn once the strike is over. In every strike
19 you have criminal complaints nowadays, and they are
20 withdrawn once the strike is settled.

21 Q. Are you aware that pilots working in
22 the District did lodge complaints against some of the
23 sailing Masters that were not working?

24 A. No. I have not been aware that they
25 lodged complaints, no.

26 Q. Let's leave the subject then. You
27 have never heard of it?

28 A. Not to lodge criminal complaints, no.
29 I have never heard to that extent. I have not heard
30 of anything like that. I find it rather hard to believe



1 English
2 that the men who worked together would lodge criminal
3 complaints. I don't know what went on to lodge
4 criminal complaints about.

5 Q. Well, about these activities in the
6 Welland Canal that you yourself did not approve of.

7 A. Yes, but I certainly -- if it was me,
8 I could stand an awful lot of name-calling, but I
9 wouldn't go and lodge a criminal complaint. It
10 wouldn't make any damn difference to me what they
11 called me.

12 MR. JACQUES: Let us drop the word
13 "criminal" then. Did you hear about complaints laid
14 against --

15 THE WITNESS: Complaints, but not
16 criminal. Criminal to me is taking the matter to
17 Court. As far as I know there was nothing worth taking
18 to Court. That to me is a criminal complaint.

19 BY MR. BRISSET:

20 Q. Captain, at all events you joined the
21 District some time in June, 1958, and stayed in it for
22 the rest of the year?

23 A. Yes.

24 Q. In 1959 you recall that the Department
25 of Transport took over this pilotage area?

26 A. Yes.

27 MR. LALONDE: Before we get into 1959,
28 I would like to recall again 1958 is six years old,
29 not five years old.

30 MR. BRISSET: I always stand corrected



1 English

2 on these matters.

3 Q. You had to undergo an examination at
4 the time?

5 A. Yes.

6 Q. Which you described to us earlier in
7 your evidence?

8 A. Yes.

9 Q. As not quite an examination, the way
10 it should normally have been carried on? Is that
11 putting it fairly?

12 A. To me it was not an examination.

13 Q. The examiner selected by the Department
14 of Transport, the Chief Examiner was Captain Norman
15 S. Johnston at the time?

16 A. Yes.

17 Q. Do you recall that those who were first
18 accepted when he was carrying on these examinations
19 were those who had been the most active the year before
20 in opposing the formation of the Port Weller-Sarnia
21 District?

22 A. I thought that it was not an unbiased
23 examination. Other than that, I won't say. This was
24 my own feeling.

25 Q. In other words, if I may give you a
26 few names, those who were accepted right away in 1959
27 were Captain J. M. Andrews, the former President of
28 the Association, Mr. T. Wilson, the Vice-President,
29 do you recall that, whom we have heard here give
30 evidence in St. Catharines? Mr. Beatty whom we had the



1 English

2 pleasure of hearing as a witness too. Mr. Cote whom
3 we also heard as a witness in St. Catharines?

4 A. Captain Cote was not in the first twenty.

5 Q. Captain Lindsay?

6 A. He wasn't in the first twenty.

7 Q. All right. Anyway, Captain Andrews
8 and Captain T. Wilson, the President and Vice-President
9 of the Association were among the first accepted?

10 A. Yes.

11 Q. Now, you yourself were accepted in 1959?

12 A. Yes.

13 Q. And allowed to work in the District. I
14 have a date here which I want to check with you. This
15 date being the 17th of May, 1959, when you started
16 working?

17 A. I thought it was the 15th. It could
18 have been the 17th.

19 Q. Was there any particular reason why
20 you were not accepted right away as you had worked the
21 year before?

22 A. We went down the list. They did call
23 me two or three times to go. However, I was told
24 that it was on a temporary basis and up to three days
25 you were going to be off -- if you were off ships
26 for three days you were going to be off. This is no
27 way to go to work. If you are going out three days --
28 you are just going to be laid off. That was no way
29 of doing it, and I just didn't go. I said unless I
30 can be assured I am going to have a job I am not going



1 English

2 to work on a temporary basis.

3 I think I had three if not four calls
4 from Captain Crawford, and in the end he said he
5 couldn't state definitely or definitely could not
6 give it in writing, but he was sure if I would come
7 up there were all those ships out there at anchor;
8 if I would come up he was quite sure the job would
9 be made permanent eventually.

10 Q. Am I right in understanding you were
11 the one holding out rather than the Department and
12 Captain Johnston at the time having decided not to
13 take you in or offer you a job?

14 A. I don't know just what the date was when
15 I was first called. I think I received a telegram
16 saying I was on the roster but I was not accepted, and
17 therefore I went to look around for another job.

18 Q. The first notification was that you
19 were not accepted?

20 A. Oh, yes.

21 Q. Even though you worked the previous
22 year?

23 A. Oh, yes, definitely.

24 Q. During the course of your evidence
25 on the reasons which prompted the Shipping Federation
26 of Canada to institute and create the Port Weller-
27 Sarnia Pilotage District, you stated that the Shipping
28 Federation's sole purpose was to demolish or destroy
29 the Great Lakes Pilots Association. What is your
30 basis for this statement?



1 English

2 MR. LALONDE: I am sorry. I would
3 like my friend to quote from the evidence in that
4 respect. I would not like Counsel to put words in the
5 mouth of the witness. There are transcripts and notes,
6 and what the witness has exactly stated should be told
7 to him because as I recall it that is not exactly
8 what he said. He said in my opinion that the effect
9 was to demolish the Association.

10 Q. Do you recall your words? Was it the
11 effect or the purpose?

12 A. I think I said it was my opinion.

13 Q. That it was the purpose?

14 A. In 1958 -- if you recall you had it
15 in the Shipping Federation's brief presented in
16 Montreal that Great Lakes Pilots Association had
17 supported the pilots of Montreal-Kingston. I think
18 they had started this. At the time I was on a ship,
19 and I never heard anything about it until everything
20 was over.

21 Q. You thought the Shipping Federation was
22 on the warpath to destroy this Association because of
23 what it had done?

24 A. I am quite sure they were on the warpath.
25 Myself, I am sure they were on the warpath, and if the
26 rest of the pilots hadn't joined the Federation they
27 would have been knocked off one by one, and I think
28 the smartest thing they ever did was to join the
29 Federation of River Pilots because we got it and they
30 were going to get the old guys and they would have all



1 English

2 been knocked off one by one.

3 This is my own opinion. This is not
4 the opinion of the Corporation, but I think you have
5 said that was my opinion, and this is my opinion. You
6 knocked off the weakest ones and the next was in line.

7 Q. Wasn't the Great Lakes Pilots Association
8 still going strong by the end of 1958 and in 1959?

9 A. The Great Lakes Pilots Association was
10 not still going strong at all.

11 Q. What was Captain Norman S. Johnston
12 doing then as the business representative of the
13 Great Lakes Pilots Association?

14 MR. LALONDE: Do we have evidence that
15 Captain Norman Johnston was at that time business
16 representative of the Great Lakes Pilots Association?
17 There again I would like my friend to refer to the
18 evidence of Captain Johnston before this Commission.

19 MR. BRISSET: My Lord, we have Exhibit
20 1100, July 20, 1959, in which Captain Norman S.
21 Johnston describes himself as Business Manager,
22 Great Lakes Pilots Association, 42 Ann Street, Port
23 Dalhousie, Ontario.

24 MR. LALONDE: Yes, and didn't Captain
25 Johnston comment on this in a direct question by you
26 as to what were the activities of the Great Lakes
27 Pilots Association at that time?

28 MR. BRISSET: Perhaps the witness will
29 tell us.

30 MR. LALONDE: No, the witness can't tell



1 English

2 us that, My Lord. Captain Johnston was in the box
3 and gave evidence on this exact point; this witness
4 wouldn't know what he was doing.

5 THE CHAIRMAN: Yes, but the witness
6 can say what he thought of it.

7 THE WITNESS: The Great Lakes Pilots
8 Association was null and void. There had never been
9 any dues collected. They certainly hadn't approached
10 anybody for dues. The whole thing, as far as I could
11 see, was null and void.

12 BY MR. BRISSET:

13 Q. Since when, since the opening of the
14 Port Weller-Sarnia District of pilotage in May or
15 April, 1958?

16 A. I would say it was completely smashed
17 in 1958, the Great Lakes Pilots Association.

18 Q. If it did anything in the years 1958
19 and 1959 as an Association, it was only a shell with
20 no members?

21 A. Precisely; it was merely a shell. The
22 Shipping Federation did a very good job in 1958 in
23 smashing it I would say.

24 Q. In 1958 and 1959, did you yourself
25 belong to the International Organization of Masters,
26 Mates and Pilots of the United States?

27 A. Not that I would say I belonged. I
28 never received any literature. To begin with they
29 sent me a booklet saying I was a member, and I took
30 the matter up one time with Captain Johnston. I said



1 English

2 I failed to see this, how I could be a member, and I
3 never received any literature from them at any time
4 other than that, which I think was distributed at a
5 meeting he was at. I never received it, so I
6 therefore failed to see how I could be a member. I
7 certainly couldn't have been put on any roll.

8 Q. Were you aware, Captain, in 1958 in
9 the months of May and June there was picketing of
10 ocean vessels in the American ports of Chicago and
11 Milwaukee by the Great Lakes Pilots Association and
12 the International Organization of Masters, Mates
13 and Pilots?

14 A. I was aware that there was picketing
15 in Chicago, but I understood -- in April I don't think
16 there was any picketing.

17 Q. In April?

18 A. I could be wrong.

19 Q. Great Lakes Pilots Association then had
20 not yet been demolished into a simple shell?

21 A. No, I guess not.

22 MR. LALONDE: My Lord, in connection
23 with the question asked by my learned friend a few
24 moments ago about this question whether the purpose
25 of the Shipping Federation or the effect of the Act
26 was to demolish the Association, I refer the Commission
27 to page 14440 where I examined Captain Stevenson and
28 I asked, "Finally, how many were employed between
29 Port Weller and Sarnia?" "A. I think somewhere around
30 thirty that year. I am not sure of the exact number."



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(Brisset)

1 English

2 "Q. What was the effect on the Association?" "A. The
3 Association was completely demolished."
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1 English

2 Q. Now, Captain, I want to pass on to some
3 of the statements contained in your brief and some
4 of the statements which you made during the course
5 of your evidence. Particularly you have been comparing
6 the two systems now in existence within your District;
7 that is, the American system of free enterprise and your
8 system which is that of public service. You have used
9 this expression: "We are on salary and we want to do
10 less work."

11 A. I did not say "we".

12 Q. Well, I mean the pilots in your District.

13 A. I am talking as a generality. I did
14 not say "we".

15 Q. I see. In other words, what you wanted
16 to say is that pilots being engaged as a public
17 service and therefore on salary want to do less work?
18 Is that the generality you wanted to put over?

19 A. That is a generality, yes. As I say,
20 there is no incentive obviously if you are on salary
21 and without incentive then the thing is to have set
22 hours the same as anybody else.

23 Q. How would you apply this generality in
24 your District where you are public servants?

25 A. How would you apply it?

26 Q. Yes. Does it apply?

27 A. It certainly applies.

28 Q. It does there too?

29 A. It definitely applies, yes.

30 Q. In other words, if you were not on salary



1 English

2 you would be prepared to do more work and would not
3 consider yourself overworked; is that correct?

4 A. Let us get down to this. You can do more
5 work. You can also arrange it much better amongst
6 yourselves, I think. As things stand in the last few
7 years I do not think you could possibly have done more
8 work.

9 As things were in 1962 we sometimes
10 had as many as 25% off sick, which was basically caused
11 by the overwork. I do not think there was hardly a
12 man who was at the doctor in 1962 who was not told he
13 was in a rundown condition. They were few and far
14 between. I think I can work along with the next one,
15 but my doctor told me I was in a rundown condition.
16 I am pretty sure I can work with the next fellow on
17 anything at any time.

18 So as regards that, especially the way
19 we worked in 1962, it would be humanly impossible to
20 do more work and stand up to it.

21 Q. Coming back to 1962, since you have
22 mentioned it, Captain, you attacked the statistics of
23 the Department of Transport because they did not take
24 into account trans-lake work, I understand?

25 A. Yes.

26 Q. During your stints as a trans-lake pilot,
27 Captain, you would of course sleep, would you not?

28 A. Sometimes.

29 Q. Not always?

30 A. I had one case of where I was up -- and



1 English

2 this was right on my source form -- it was the Motor
3 Vessel DAGAN. I left from Detroit. I arrived at
4 Sarnia and the weather was so thick that the pilot
5 boat could not come out whatsoever. The visibility
6 was down to probably 100 feet and maybe less. I do
7 not think you could see the bow deck.

8 I took the vessel up out, up through
9 the bridges and out. They had a lake man there at
10 that particular time. It was impossible to put him
11 aboard and the Captain said: "Well," he said, "Aren't
12 you registered?" I said: "Yes." He said: "Well,
13 then, we will proceed." I was in dense fog all the
14 way up to the Muskegan. I took the vessel into Muskegan
15 in dense fog. The vessel was in Muskegan four hours.
16 During that time I ate and I probably had a couple
17 of hours' sleep. Then we left and proceeded in dense
18 fog to Chicago.

19 I was up on that bridge for a total of
20 something like 52 hours. And I took the vessel from
21 Chicago in dense fog.

22 Q. So trans-lake work, Captain, can be
23 quite arduous?

24 A. Yes, it could be very arduous under those
25 conditions.

26 Q. I want to ask you your very candid opinion
27 on one question that is of great importance to us. I
28 am asking you this question, not only you personally but
29 as speaking for members of your Association. Do you
30 consider that ocean-going vessels should have pilots



1 English

2 all through their transit through the Lakes, including
3 the open waters?

4 MR. LALONDE: Both personally and as
5 speaking for the Association?

6 MR. BRISSET: Yes.

7 THE WITNESS: If you want to start a
8 good argument, bring that up at any meeting.

9 Q. Well then, let us start with you
10 personally. Do you consider that pilots should be
11 put aboard ocean vessels all through their transit
12 through the Lakes?

13 A. No, I do not. I have already stated
14 if a man is not fit or not mentally capable of reading
15 and digesting the rules of the road, then he should
16 not under any circumstances be on the bridge. He is
17 not fit to have a piece of machinery under him of the
18 capacity of a ship. He should stick to a scooter and
19 something like that, and that is probably too much for
20 him.

21 Q. You, of course, do not put the Masters
22 of ocean-going vessels in that category, but you
23 consider them fit?

24 A. Certainly.

25 Q. To navigate vessels through the open
26 waters of the Great Lakes?

27 A. I will qualify that to the extent that
28 I think they should be proficient in English insomuch
29 as a great deal of reliance is placed on radio-telephone
30 far more than ever outside. I think that they should



1 English
2 be proficient in this and in its use. To me this
3 would be a matter of a short course there, but they
4 should be proficient in English and the use of the
5 radio-telephone.

6 This would cover a great deal, but then
7 you get the odd vessel of Liberian flag where you
8 begin to wonder just how on earth they ever got their
9 certificates, some of them. This is also a thing that
10 should be taken into account. But of course some
11 vessels under Liberian flag have men who are very
12 proficient. It depends sometimes on what the
13 nationality of the seaman is.

14 Q. Am I correct in assuming that the views
15 you have given us apply whether the vessel is on a
16 first trip or not through the Lakes?

17 A. Yes. I think there should be some form
18 of examination to make sure that they have read the
19 rules of the road. I do not think they should just
20 come in and carry on blindly because some of them
21 just plainly will not bother. They will find there
22 is too much other pressing business. But I think there
23 should be some form of examination made to make sure
24 they have read and fully digested and know the meaning
25 of the inland rules of the road.

26 Q. Now I am coming to your members in your
27 Association. Can you tell us generally what are the
28 views of your members in this respect? I think you
29 indicated there were differences of opinion, but
30 perhaps you could amplify and tell us which way the



1 English

2 weight of opinion goes?

3 A. I would like to say it is a thing that
4 I try not to bring up because it is just an argument
5 and you are getting nowhere. It really would have
6 no actual bearing on ours. We plainly have stated we
7 do not wish to go outside the District, and therefore
8 that is what we want. This has really no bearing.

9 To state that, whether we say Yes or No,
10 this is actually going against our wish of not wishing
11 to go outside the District. Therefore when I have
12 been in the chair and this has come up, I have just
13 told them we have got this down that we do not wish
14 to go outside the District, so just keep your fights
15 for outside; we have more pressing things to go on.

16 Q. We have heard here the evidence of
17 another member of your Association who was advocating
18 that ocean vessels carry pilots all through the Lakes?

19 A. Yes. This is exactly what I mean.

20 Q. So he is on the other side?

21 A. Yes.

22 Q. But you cannot give me at all an idea
23 of which way the balance ---

24 A. It is 50-50.

25 Q. 50-50?

26 A. Probably 50-50. I would not really
27 like to say, Mr. Brisset.

28 Q. There is always the danger that one day
29 those who want pilots all through the Lakes may get the
30 majority?



1 English

2 A. I do not think it would matter. We
3 want to stay in the District. I do not care if they
4 get the majority or not. If you asked them if they
5 want to work outside the District they will tell you
6 No, I do not care who they are.

7 MR. LALONDE: I suggest that Counsel
8 for the Shipping Federation poll the members. He
9 could organize a poll if he wants to.

10 THE CHAIRMAN: When you say you want
11 to remain in your District, that means the trans-lake
12 work of Lake Erie ---

13 THE WITNESS: Oh, yes, the trans-lake
14 work on Lake Erie; only in time of fog does it become
15 arduous, because you are up ----

16 THE CHAIRMAN: Would you advocate a
17 strict -- I do not know whether it is possible at the
18 other end to board the vessel there; apparently there
19 is some difficulty at Pelee Island -- but if we
20 considered the principle that your pilotage should
21 stop at the west end of the Welland Canal and there
22 should be another pilotage District from Pelee Island
23 up to Sarnia and the trans-lake work should be left out....

24 THE WITNESS: Personally, My Lord, I
25 feel if you want to create another District, from
26 Lock 7 to Detroit to me would be the logical point.

27 THE CHAIRMAN: Including Lake Erie?

28 THE WITNESS: Including Lake Erie,
29 especially in view of the Shipping Federation's view
30 that there is a great deal of detention at Detroit. I



1 English

2 would feel Detroit would be the logical point.

3 THE CHAIRMAN: I am talking about safety.
4 What about any particular hazards in Lake Erie that
5 do not exist in the other Lakes -- or is it more
6 difficult in that Lake?

7 THE WITNESS: No, it is the same. There
8 are no particular navigational hazards.

9 MR. BRISSET: Q. There are quite a
10 number of ports?

11 A. There are quite a number of ports on
12 Lake Erie.

13 THE CHAIRMAN: Which could be served
14 by harbour pilots?

15 MR. LALONDE: It would be expensive.

16 THE WITNESS: Actually I do not think
17 a man could live piloting due to the volume of trading
18 that goes on, although there is a fair volume -- for
19 one man to work as pilot for Buffalo, Erie, Connaut,
20 Ashtabula, Lorrain, Fair Port.

21 THE CHAIRMAN: From what we have heard
22 about Toronto and Hamilton they cannot agree with this.

23 THE WITNESS: They are not getting the
24 volume of shipping as are Toronto and Hamilton. In
25 fact they are only getting a fraction of the volume
26 compared to Toronto and Hamilton.

27 MR. BRISSET: Q. While we are still
28 on the subject of open water pilotage, would it be
29 fair to assume that those who favour pilots all
30 through the Lakes on ocean vessels are about the same



1 English
2 ones who advocated the same also in 1958 when they
3 fought the establishment of the Port Weller/Sarnia
4 District?

5 A. I do not know. You are assuming something
6 there. I do not think so; I do not know.

7 MR. LALONDE: It would be very easy.
8 Was Captain Albinson a sailing Master during that time?

9 THE WITNESS: No.

10 MR. BRISSET: Q. Were you aware that
11 in 1958 Captain Andrews and Captain Rolla R. Johnson
12 were recommending three pilots to be put on board each
13 ocean vessel throughout the Lakes? Was that ever
14 discussed?

15 A. No. I had heard two. I wondered if
16 one was to keep the other company at a game of cards
17 or something; but I do not know.

18 Q. As far as you recall two was the
19 maximum?

20 A. I merely had heard this through a
21 round about way. I could not say. This was quite some
22 time later. I could not say that this was right
23 or wrong; I do not know. I was not at the meetings.
24 It was quite some time later that I heard this.

25 Q. Was that not discussed, that if you
26 have to go, for instance, from Port Huron to Chicago
27 you cannot expect a pilot to stay up on his feet for
28 50 hours and therefore there should be three pilots
29 who would relieve themselves every eight hours?

30 MR. LALONDE: Once again, My Lord, the



1 English
2 witness has said he heard very indirectly many years
3 later that there was discussion about two pilots.

4 MR. BRISSET: Q. You do not recall
5 any such discussion at your meetings?

6 A. There was no such discussion at the
7 meetings. I know that.

8 MR. BRISSET: I am now going to change
9 the subject, My Lord.

10 THE CHAIRMAN: We will adjourn then
11 until 2:30.

12
13 ---LUNCHEON ADJOURNMENT.

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1 ---UPON RESUMING AT 2:30 P.M.

2 Q. Captain, during the course of your
3 evidence you advocated that statutory limits be
4 defined for the Welland Canal from a pilotage point
5 of view. I was not too clear on the limits which
6 you recommended. Would you be good enough to repeat
7 them for me?

8 A. Yes.

9 Q. Let us start at the eastern end. I
10 take it it will be the Fairway Buoy?

11 A. It is the north end or the south end.

12 Q. The south?

13 A. The north end is Port Weller. You come
14 under Canal Control when you pass the traffic buoy.
15 That is where it should begin.

16 Q. And at the other end?

17 A. Port Colborne traffic buoy.

18 Q. Would you be satisfied from a safety
19 point of view if the limits as regards pilotage were
20 set at Lock #1 at one end and Lock #8 at the other
21 end?

22 A. No, I would not be satisfied.

23 Q. You would not?

24 A. No.

25 Q. If they were so set, however, would you
26 not think that it would be possible to do away with
27 the relief pilot at Lock 7, as you would save, I
28 imagine, considerable pilot's time?

29 A. You might save some time but the pilot
30 is still going to be doing long periods. From one to



1 English

2 eight is quite often fourteen hours.

3 Q. However, if one pilot were to do the
4 whole pilotage from Lock 1 to Lock 8 he would have
5 a much better chance to get the feel of the ship?

6 A. By the time you have reached Lock 3 you
7 have got the feel of it all right.

8 Q. Now the poor fellow who gets the ship
9 in Lock 7, since the other only gets the feel of
10 the ship when it reaches Lock 3, really has no
11 chance to get the feel of the ship between 7 and 8?

12 A. To a certain degree that is right.
13 However, when we change we tell our relief of the
14 peculiarities of the ship, etc.

15 Q. Just what the Master tells you, if
16 you ask, when you board a ship in Lock 1?

17 A. You don't always get it all, not by
18 any means, and sometimes you have to find out yourself
19 the hard way.

20 Q. Were you aware that the American pilots
21 were opposing at one time -- I don't know their
22 opinion today -- were opposing at one time the change-
23 over at Lock 7?

24 A. Yes. When they first came in they
25 thought they could carry on indefinitely and they
26 were going to make quite a big salary.

27 However, it began to tell the tale as
28 the season wore on. Fatigue began to set in and they
29 changed their story at the end of the year.

30 Q. They had been doing it in 1961 and 1962?



1 English

2 A. I think the man who was talking to
3 Captain Matheson didn't start until 1962. If you had
4 asked any of the seasoned ones it would have been a
5 different story.

6 Q. Well, as far as you can say from what
7 we might have been told are the American pilots now
8 in favour of the change or are they still opposed,
9 or is the opinion divided?

10 A. I would think the greatest majority
11 are in favour of it, by far the greatest majority.
12 However, I would say if you really want to know you
13 should call them. I am going by hearsay.

14 Q. In paragraph 14 of your brief you spoke
15 of the case of the pilot who died on the job and because
16 of the job and at the same time you filed a statement
17 or list as Exhibit 1018 of retirements and deaths in
18 District #2.

19 A. Would you repeat that again? Retire-
20 ments and deaths -- I didn't hear what you said.

21 Q. Do you recall having seen this document?

22 MR. LALONDE: The witness says it has
23 not been filed by him. It may have been filed by
24 Captain Watson.

25 MR. BRISSET: Q. I believe, however,
26 that you referred to this document to illustrate
27 your point that pilots have been overworked?

28 A. Yes.

29 Q. Leaving aside from the list the names
30 of those who were 65 or over, I find the name of



1 English

2 Captain F. A. Robinson, who resigned, who transferred
3 to Toronto. You were here yesterday when he said that
4 he wanted to have a little more time at home?

5 A. If he wanted a little more time at home
6 obviously the harbour pilotage in Toronto is a heck of
7 a sight better than the pilotage in the Welland Canal.
8 Isn't it?

9 Q. Did you gather the impression from his
10 evidence it was because of overwork?

11 A. I was not here.

12 Q. Or that he wished to be a little more
13 at home?

14 A. I was not here. However, I knew him
15 quite well and I think if you look at his hours of
16 work here since he started in Toronto and the hours
17 of work he was putting in in District #2, I think you
18 would find a very, very large reduction.

19 Q. Of the other names given there, three
20 have resigned because of nerves apparently?

21 A. I think nerves can cover a lot of things,
22 can't it?

23 Q. Yes. Are you in a position to say
24 whether it was because of overwork or other worries,
25 say brought about by perhaps lack of organization in
26 the District?

27 A. Here we are assuming, are we not?

28 Q. Yes; but you have assumed, I believe,
29 it was because of overwork and I question this.

30 A. Of course, I have been talking with



1 English

2 these men. I think they have "nerves" for Captain
3 McCutcheon, don't they?

4 Q. Yes.

5 A. If you talked with Captain McCutcheon
6 he would deny that.

7 Q. If I can give evidence he did say he
8 would go back if the Shipping Federation were running
9 the District.

10 A. Good for the Shipping Federation.

11 Q. Did he tell you that?

12 A. No, I don't think so!

13 Q. Any of the other two tell you that?

14 A. No, no. None of the others told me
15 that.

16 Q. Do you not find it significant that
17 they did not resign in 1958 when the Shipping Federation
18 was running it?

19 --- (Laughter)

20 Q. Captain, in Chapter 6 of the brief you
21 tell us about the Corporation of Professional Great
22 Lakes Pilots and have told us this morning what was
23 the yearly fee paid by the pilots, namely \$10.00 a
24 month for 12 months. In addition to the yearly fee
25 is there, as in some of the other Corporations, an
26 initiation fee to be paid?

27 A. Yes. We have an initiation fee of
28 \$100.00. We needed this money to start with to pay
29 for the Charter, etc. Therefore we have carried on
30 with it.



1 English

2 Q. Now you have given us as Exhibit 1050
3 a list of the members at present of the Corporation,
4 adding two names this morning?

5 A. Yes.

6 Q. I see amongst the pilots listed Captain
7 S. L. McCutcheon, who retired because of nerves last
8 year. Is he still a member of the Corporation?

9 A. Well, he has not resigned. He is not
10 paying his dues. It is a matter of due to the pressure
11 -- I would not say pressure -- due to being here that
12 we haven't even taken the matter up.

13 Q. In the list are there other pilots who
14 are no longer in activity?

15 A. No, there is no one else. In fact I
16 didn't realize his name was on there.

17 Q. So there would be, including the two
18 names given this morning, 26 active pilot members of
19 the Corporation?

20 A. Yes.

21 Q. Could you give me the reason why
22 Captain Norman S. Johnston was appointed an honorary
23 member of the Corporation?

24 A. Yes. He had done the work of setting
25 the Corporation up and for that work he was made an
26 honorary member.

27 Q. Has his appointment anything to do with
28 the work he did in 1959 and 1960 as the business
29 manager of the Great Lakes Pilots Association,
30 representative of the International Organization of



1 English

2 Masters, Mates, and Pilots?

3 A. Nothing whatsoever. Purely on the fact
4 he had been setting up the Corporation.

5 Q. Were you aware that in 1959 and 1960
6 Captain Norman S. Johnston was running with Captain
7 Rolla R. Johnson a pilotage service on the Great Lakes
8 in competition to your own pilotage?

9 A. No, I was not aware he was running in
10 competition, no.

11 Q. Has your Corporation joined the Federation
12 of St. Lawrence River Pilots?

13 A. No.

14 Q. Has that been discussed at meetings?

15 A. Not fully. It has been mentioned but
16 it has never been discussed due to the fact that we
17 have had other business on hand of setting the
18 Corporation up as a Corporation. Never been fully
19 discussed.

20 Q. Is the Corporation affiliated, or at
21 least its members, to the Canadian Merchant Service
22 Guild?

23 A. No, the Corporation is affiliated with
24 no one whatsoever.

25 Q. Now I see from your brief that you
26 are recommending, and I am speaking here of the
27 Corporation as the one who presented the brief,
28 you are recommending the abolition of the status of
29 public servant for the pilots?

30 A. Yes.



1 English

2 Q. I take it what you will want is that
3 the pilots in the future, if this is accepted, be
4 paid on the basis of the revenues and by them through
5 their pilotage work?

6 A. Yes.

7 Q. Am I right in assuming that the pilots
8 will want to pool their earnings as is done by the
9 pilots of the Districts in the Lower River, for
10 instance?

11 A. I would say so. I think that is the
12 fairest way of working it.

13 Q. I take it then to achieve this it
14 would be the intention of the Corporation to obtain
15 from the pilots powers of attorney assigning their
16 earnings to the Corporation for the rest of their
17 pilots life. In other words, the same system as
18 exists, say, in the District of Cornwall?

19 A. I would say Yes, although this of course
20 has not been discussed at a general meeting. I would
21 say Yes myself.

22 Q. Now I believe that you have indicated
23 to us in your evidence, and have also stated in your
24 brief, that the Welland Canal is one of the most
25 difficult stretches of pilotage that exists in the
26 whole world. Am I putting it fairly?

27 A. Pretty well, yes.

28 Q. Do you recall that in 1957 -- I think
29 you do because you mention it -- the pilots in the St.
30 Lawrence - Kingston District had gone on strike?



1 English

2 A. Yes.

3 Q. And had been assisted by the Great Lakes
4 Pilots Association?

5 A. Yes.

6 Q. In order to make pilotage compulsory
7 for ocean vessels and lake vessels in the Lower River,
8 that is in the St. Lawrence-Kingston District?

9 A. On this matter I would suggest that
10 you get the President of the Association. As I have
11 stated I was on a vessel in Milwaukee and didn't know
12 anything about it. I didn't know anything about it
13 until it was over. What precipitated it and what it
14 was all about, I don't think I would be properly
15 qualified to say so.

16 Q. Looking ahead in the future, Captain,
17 would it be the policy of the pilots in your District
18 to make pilotage compulsory for lake vessels in
19 the Welland Canal and to achieve that purpose to go
20 on strike against the ocean ships as was done down
21 below?

22 A. It would not be my policy.

23 Q. Can I take it --

24 A. As I say, this is a matter that has
25 never been discussed with the Corporation. Quite
26 frankly, as I have stated already in testimony here,
27 I don't think there are better ship handlers going
28 than the Masters themselves of their own lakers. They
29 are very adept and they are very, shall we say, very
30 experienced and very practised at this kind of work.



1 English

2 As I say, pilotage in the Welland Canal is not pilotage
3 as we might say in the River. Pilotage in the Welland
4 Canal is primarily ship handling in very close
5 quarters.

6 Q. When you call it "ship handling in very
7 close quarters", what about in the Seaway itself, in
8 the St. Lawrence Seaway itself between Montreal and
9 Kingston?

10 A. You don't have the locks as close. I
11 think I am right in saying the Canal is wider too.
12 There are different geographical features. You cannot
13 compare, shall we say, the pilotage with the Welland
14 Canal itself. It is completely different geographically.

15 Q. I have heard that the pilots in the
16 lower section have advocated compulsory pilotage for
17 lake ships. The reasons, it seems to me unless I am
18 wrong, would be the same that would govern the pilots
19 in the Welland Canal.

20 MR. LALONDE: My friend is wrong again.
21 He did not hear the evidence by Captain Davidson.

22 THE WITNESS: I don't know what they
23 have demanded. As I have already stated I would think
24 no one could teach or show these men on their own
25 ships how to ship handle. I think they are certainly
26 in a class of their own in this business. I would
27 not try to tell them or go and say I could do it
28 better.

29 Q. However, the subject of having pilots
30 on lake ships has been discussed between your members



1 English

2 at meetings?

3 A. No. The only lake ships, of course,
4 that we are aboard are the Commonwealth flag ships.
5 This is not a case of our jurisdiction at all. It is
6 a case of international jurisdiction. This is the law
7 and we have to abide by the law.

8 Q. If I construe your answer properly from
9 the point of view of safety you do not see any
10 necessity for pilotage on board British Commonwealth
11 ships, lake ships in the Canal manned by Canadian
12 lake Masters and officers. Is that correct from a
13 safety point of view?

14 A. From a safety point of view. However,
15 I did not make the laws and like a lot of laws they
16 must be abided by.

17 Q. Would you agree then with the law as
18 it is it is nevertheless a wastage of pilotage
19 material to put pilots on board those British lake
20 vessels?

21 A. To that extent. However, they could
22 quite easily conform with the Canadian flag, pay the
23 duty if necessary, and get them registered. That is
24 all there is to it. If they don't wish to abide
25 by the laws of the land well then that is up to them.

26 Q. You are there to uphold the law and put
27 pilots on board them until they do change registry?

28 A. Until they change the registry.

29 Q. Now, Captain, I would like to pass on
30 to Exhibit 1055, which is the brief of the Corporation



1 English

2 of Professional Great Lakes Pilots submitted, or to
3 be submitted to the Department of Transport. I would
4 like to clear my understanding of this. There are two
5 briefs contained in this Exhibit?

6 A. There are three briefs in this Exhibit:
7 1962, 1963, 1964.

8 Q. Let us start with the first one, the
9 brief to be presented to the Department of Transport
10 by the Corporation of Professional Great Lakes Pilots.
11 Is that the 1964 brief that has not yet been presented?

12 A. Oh, it has been presented already.

13 Q. And it is a 1964 brief?

14 A. That is 1964, yes.

15 Q. The next one is a brief to be presented
16 by pilots to the Department of Transport with respect
17 to Great Lakes Districts 2 and 3 and that was presented
18 in 1963?

19 A. That was 1963, yes.

20 Q. I would like to refer you to page 5 of
21 this particular brief, number 8, which reads as
22 follows: "That B licences be abolished in the interest
23 of safety." When the brief was presented in 1963 by
24 the Corporation of Great Lakes Pilots --

25 A. This was not presented by the Corporation
26 of Professional Great Lakes Pilots.

27 Q. Well, the pilots committee?

28 A. This was a pilots committee of all
29 pilots including pilots of District #2. It was
30 practically all pilots of District #2 and pilots of



1 English

2 District #3. This was the Civil Service Corporation
3 and independents.

4 Q. But the Corporation, or at least the
5 members of the Corporation of Great Lakes Pilots was
6 represented when this brief was submitted?

7 A. Yes. I represented them, yes.

8 Q. You did represent them?

9 A. Yes. However, I was not Chairman of
10 the Committee.

11 Q. Tell me who did present this brief?
12 I am speaking of the persons who were in attendance
13 when the brief was presented?

14 A. There was Captain S. Sisty.

15 Q. He is a member of your Corporation?

16 A. No, he is a member of the Civil Service.
17 There was a Captain B. Hughes.

18 Q. Who is he?

19 A. He is a member of the Corporation.

20 Q. There was yourself?

21 A. There was myself. There was Captain
22 J. Andrews. He was not a member at the time of
23 anything.

24 Q. He is now a member of your Corporation?

25 A. Yes. At the time when that brief was
26 submitted he was not a member of anything. There was
27 Captain C. Harrison of District 3.

28 Q. I refer again to that recommendation on
29 page 5 that B licences be abolished in the interest
30 of safety. What was meant by that? If I may assist



1 English

2 you did that mean no B certificates should be issued
3 in the future and ships would have to take pilots all
4 through the lake?

5 A. I don't think it was that. I think in
6 this same brief we state that we don't want to go
7 outside the District.

8 Q. I perfectly realize that. You wanted
9 to have pilots take over at the upper end of your
10 District and the lower end of your District?

11 A. I don't remember exactly. If it was
12 I would have opposed it. It would have gone to a
13 vote anyway. I have stated what my feelings are
14 about this and I have maintained these feelings. If
15 it has gone to a vote and I have lost then it has
16 been submitted, which is a proper democratic way of
17 doing anything.

18 Q. I am in sympathy with your views on
19 this but the point I am making is apparently you were
20 outvoted in 1963 when this brief was submitted.

21 A. Apparently, yes.

22 Q. So that there is a possibility that a
23 majority of the members of the Corporation might still
24 favour pilotage for ocean vessels all through the Lakes
25 as the sailing Masters and the Great Lakes Pilots
26 Association did in 1958?

27 A. I have already stated it was probably
28 in the region of 50-50. If you wish to pursue this
29 the best way is to have a referendum on this. You
30 are asking me to give the views of everybody which I



1 English

2 cannot give.

3 MR. JACQUES: Was this brief discussed
4 by the members of the Corporation before it was
5 presented to Ottawa?

6 THE WITNESS: We had a general meeting,
7 if I remember rightly in St. Catharines.

8 MR. JACQUES: Were minutes kept of that
9 meeting?

10 THE WITNESS: Yes, I think so.

11 MR. JACQUES: If a vote was taken on
12 that particular subject, minutes would be in existence,
13 would they not?

14 THE WITNESS: There would be minutes, yes.

15 MR. JACQUES: Were you then Chairman?

16 THE WITNESS: No, I was not Chairman.

17 MR. JACQUES: Were you then an officer
18 of the Corporation?

19 THE WITNESS: I was an officer of the
20 Corporation, yes.

21 MR. JACQUES: What capacity in that year?

22 THE WITNESS: I was the President of
23 this Corporation, but this was not submitted as a
24 Corporation.

25 MR. LALONDE: If I may help here, wasn't
26 there a meeting, a general meeting of all pilots?

27 THE WITNESS: Yes.

28 MR. LALONDE: It was not a meeting of
29 the Corporation.

30 MR. JACQUES: Then if it was a meeting,



1 English

2 a general meeting of pilots, you attended that meeting?

3 THE WITNESS: I don't know just how
4 many would be there.

5 MR. JACQUES: Did you attend?

6 THE WITNESS: I attended all meetings,
7 yes.

8 MR. JACQUES: All meetings?

9 THE WITNESS: Yes.

10 MR. JACQUES: And before attending that
11 meeting were the recommendations contained in the brief
12 to which my friend refers discussed by the Corporation,
13 by the members of the Corporation, before your
14 attending the general meeting of pilots?

15 THE WITNESS: If I remember rightly here,
16 we held a general meeting and shortly after this we
17 held --

18 MR. LALONDE: General meeting of what?

19 THE WITNESS: Of all pilots.

20 MR. LALONDE: Including those outside
21 the Corporation?

22 THE WITNESS: Yes.

23 MR. LALONDE: Yes?

24 THE WITNESS: We held a Corporation
25 meeting after this, and as I was a delegate I think
26 I was given the go-ahead to speak on behalf of the
27 Corporation. Myself and Captain Hughes. I know at
28 some time later Captain Hughes and myself came up to
29 Toronto and we had a meeting in Toronto, all of the
30 five members who I have named. We had a full after-



1 English

2 noon's meeting on this matter, and this cropped up
3 no doubt, this particular recommendation.

4 MR. JACQUES: Had you received any
5 instructions from your membership, your own membership,
6 with respect to that recommendation?

7 THE WITNESS: I don't think so, no.
8 However, we were told that -- certainly having been
9 delegated to look after that, then I was in Toronto
10 to look after whatever went on. I was to look after
11 the Corporation's interests.

12 BY MR. BRISSET:

13 Q. You have spoken repeatedly throughout
14 your evidence in St. Catharines and I think even here
15 in Toronto of, I believe the word used is "hostility"
16 of the Department of Transport towards --

17 A. The what?

18 Q. Hostility.

19 A. Hostility of?

20 Q. Of the Department of Transport towards
21 the pilots of your Corporation. Wouldn't it be
22 possible that one of the causes of this hostility,
23 if I may again use the word, is that the pilots or
24 the majority of them in your District have harped
25 upon this concept that there should be pilots all
26 through the lakes on ocean vessels, contrary to the
27 policy of the Department?

28 A. Since this Corporation has been formed
29 I have been the President of it, and I have not harped
30 upon this whatsoever.



1 English

2 MR. LALONDE: Did the Corporation harp
3 on this? Is that the expression?

4 THE WITNESS: No, the Corporation did
5 not harp upon it, and as President I think I would have
6 had the power to veto if it was.

7 MR. LALONDE: Was this matter raised
8 even once during the meeting?

9 THE WITNESS: No.

10 MR. LALONDE: On the part of the
11 Corporation?

12 THE WITNESS: No. What we have harped
13 upon is stay in the District and not go out. We have
14 harped upon that.

15 BY MR. BRISSET:

16 Q. This little sentence I read a minute
17 ago about the B certificate being abolished for reasons
18 of safety just slipped in without your noticing it?

19 A. I wouldn't go so far as to say that.

20 Q. In 1963?

21 A. I wouldn't go so far as to say that,
22 and I am quite sure when we were in Ottawa we didn't
23 go any further than to state we didn't want to go
24 outside the District.

25 As regards saying there should be pilots
26 all over the Lakes, we have not insisted upon that and
27 I am quite sure in 1963 that was never insisted upon,
28 or I don't think it was even brought up in that light
29 either.

30 Q. I want to pass on to some of the



1 English

2 recommendations contained in your Corporation's brief,
3 and the first one has to do with the training of the
4 pilots of which you speak in Chapter 7, and in
5 recommendation 11, having to do with apprenticeship.
6 I recall that you stated to us that you would like the
7 same system of apprenticeship, similar to the system
8 used in the District of the Lower St. Lawrence; is
9 that correct?

10 A. That is not correct. You are talking
11 of the Corporation?

12 Q. Yes.

13 A. I said, I think if I am right in reading
14 the testimony, that as we have no say in this matter,
15 this has not been brought up at a meeting. However,
16 I think I have my own personal views on it.

17 Q. Yes. If I recall what your views were,
18 you would like to have young apprentices starting
19 at a rather tender age so that they would not be set
20 in their habits?

21 A. I didn't go so far as to state anything
22 like that. I said younger men who are not set in
23 their ways. I didn't say that --

24 Q. During the period of apprenticeship
25 would you assume under the plan you have in mind that
26 these pilots would travel on board ship with a senior
27 pilot for a number of trips during the season?

28 A. What I had --

29 Q. As they do downriver?

30 A. What I had in mind was to get young men



1 English

2 who had been Master of their own ships, other lake
3 boats. Young men. Not older ones, but the young
4 men who have been Master. That is more what I had in
5 mind, who have not got so set in their ways. I don't
6 think it would have to be a lengthy apprenticeship
7 because the rivers and canals they already know.

8 Q. In other words, you feel, and this is
9 what I wanted to clear up with you, you feel there is
10 a sufficient pool of available Masters or mates serving
11 on the Lakes at the moment to fill any requirement
12 for extra pilots in the District?

13 A. I don't really know just what the pool
14 is on the Lakes. I have no access to those records.
15 However, I feel that so long as their remuneration is
16 right we will always get plenty of applicants, and
17 good applicants.

18 Q. Without having the type of scheme for
19 apprentices that exists in the Districts below Montreal,
20 for instance?

21 A. Well, again you are coming to a
22 difference of two geographic features. I maintain you
23 can't compare one pilotage District with another.
24 Each pilotage District is separate with its own
25 peculiarities.

26 Q. I want to understand your proposal or
27 your views.

28 A. You are asking me my views? This is
29 not the Corporation's views. This is my own personal
30 views.



1 English

2 Q. In other words, to summarize it again,
3 you feel you could get your pilotage material from
4 Canadian officers or Masters now serving on the Lakes?

5 A. I think so, yes, but I feel they should
6 do a certain number of trips on the various class of
7 vessels to find out just what these vessels will do.
8 I don't think it is good apprenticeship to have been
9 on one vessel all your life. I don't think that is
10 sufficient form of apprenticeship, no. I think they
11 should go and get on to other vessels and see what
12 the other vessels will do.

13 Q. And you foresee there a rather short
14 period of apprenticeship; not years?

15 A. Oh, yes. Not years, no.

16 Q. It could be done in a few months?

17 A. Yes, but then this is a case, as I say,
18 of our own particular geographical features. I am
19 not condemning any other form of apprenticeship because
20 every apprenticeship is based on its own geographical
21 features I would say.

22 Q. Now, Captain, I pass on to recommendation
23 number 14, the number of pilots, and you recommend,
24 or your Corporation recommends, that 15 more pilots
25 should be admitted in District #2. That is on page 18.

26 I take it you make this recommendation
27 taking into consideration, or assuming, rather, that
28 pilots will not go out of the District?

29 A. Yes.

30 Q. So even if they do not go out of the



1 English

2 District you feel you require 15 more pilots?

3 A. This is based -- they are Civil Servants,
4 and this is what it is based upon, that they are
5 Civil Servants.

6 Q. Have you taken into consideration the
7 fact that in view of the latest amendment to the
8 Canada Shipping Act which will restrict the coasting
9 trade between ports, Canadian ports on the Great Lakes
10 and ports in the Lower St. Lawrence, some of these
11 British lake vessels may no longer be operating in
12 the District?

13 A. I would think there would be just as
14 many and probably more. There are three more arrived
15 this spring.

16 Q. Would you still think you need 15 pilots?

17 A. There is a great deal of travel, of
18 commerce, between Canada and the United States. In
19 fact, this is where the bulk of it is.

20 Q. You are aware of the parity agreement
21 between the United States and Canada as to the number
22 of pilots?

23 A. Yes.

24 Q. In each of the Districts, and particular-
25 ly your own?

26 A. It is not in each of the Districts. I
27 think it is parity over the entire Great Lakes system.

28 Q. In your District you have, as I recall,
29 34 Canadian pilots at the moment, and 26 American?

30 A. Yes.



1 English

2 Q. Have you made the calculation that to
3 achieve parity you would require the appointment of
4 12 American pilots out of this 15?

5 A. Parity is reached. I think if you
6 count them all up I think parity is now reached.

7 Q. At all events, if parity is reached
8 out of these 15 pilots in order not to break the
9 parity that exists at the moment, you would at least
10 have to have $7\frac{1}{2}$ American pilots and $7\frac{1}{2}$ Canadian
11 pilots, or, not to be facetious, 8 and 7?

12 A. Yes.

13 Q. You agree?

14 A. Yes.

15 Q. Now, are you aware that the American
16 pilots are opposing an increase in the number of
17 pilots in District #2, and if so, how would you solve
18 this problem?

19 A. I don't think the American pilots are
20 opposing it to that extent.

21 Q. To what extent are they opposing it
22 then?

23 A. Of course they want to say -- here we
24 get into a difference; into a dreadful mess of having
25 two separate systems of remuneration. One set says,
26 "No, we don't know just how many we are going to need.
27 Let us wait until we get the ships at anchor before
28 we start to put anybody on, until there is enough
29 pressure to take them on".

30 Now, you say how do I base it on 15.



1 English

2 Well, we are supposed to be on a 48-hour week. Even
3 so, it isn't three days off a month, it is four,
4 which we have asked for all along, four days off a
5 month, in the Civil Service. Therefore, we would
6 need to have four days off a month, and this is
7 going to almost need another two men to have four
8 days off a month. On top of this other. Also, let
9 us break this down. To get four days off a month,
10 and we have 34 pilots --

11 Q. May I interrupt you here? My question
12 is not directed as to whether you were right or wrong
13 in setting the number at 15. My question was directed
14 to this: How will you solve the problem that arises
15 in regard to the parity agreement if the American
16 pilots are opposed to an increase in their number?

17 A. Well, as I have said, once again this
18 is where the mess of two different systems crops up.

19 Q. In other words, there is no solution
20 at the moment to this problem?

21 A. Well, you have got to send telegrams
22 to the Minister, to the Deputy Minister, and create
23 enough pressure until they decide they have to. You
24 have ships waiting, and then you just got to send
25 enough telegrams, as I say, and put on enough pressure
26 in the right places until --

27 MR. LALONDE: When you say "mess of
28 the two different systems", are you referring to the
29 fact that there are Canadian and American pilots in
30 the same District, or the fact that you have two



1 English

2 different systems of remuneration?

3 THE WITNESS: Two different systems
4 of remuneration. We can't get together, and having
5 two different systems of remuneration, this I think
6 is the cause of the main trouble here in the District.

7 BY MR. BRISSET:

8 Q. Passing on to another recommendation,
9 perhaps you could help me here. It has to do with
10 the rates which are to be calculated on draught and
11 tonnage. You say the tariff should be based on
12 draught and tonnage, net or gross, instead of the
13 present flat rate?

14 A. Yes.

15 Q. When you made this recommendation had
16 you foreseen any difficulty, practical difficulty
17 in applying this standard to calculate the rates
18 and establish a tariff? I shall give you an illus-
19 tration. Let us assume that you have a regular
20 trader.

21 A. Yes.

22 Q. Going into the Lake. After going through
23 the Welland Canal she will proceed into Lake Erie,
24 discharge some cargo at Cleveland, discharge other
25 cargo at another port, Toledo, and discharge cargo
26 again at Detroit, and in fact she might call at
27 ten ports within your District discharging cargo
28 every time.

29 A. Yes.

30 Q. And on the way back load cargo. On what



1 English

2 would you work out your tariff based on draught,
3 because it will vary during the whole voyage? Will
4 you take the deepest draught at any time that she
5 might be loaded to, or the lowest one?

6 A. Oh, no, I think we would take the
7 deepest one. Of course there would be a lot of room
8 for discussion, and this is one of the things, if it
9 ever came, you would have to discuss with the Shipping
10 Federation, and that is why the Shipping Federation
11 are there, to discuss these things and iron them out.

12 Q. Do you not think that this problem
13 in particular might have been one of the reasons for
14 which a flat rate was fixed instead of the rate based
15 on tonnage, on draught?

16 A. Frankly I think when it was set -- I
17 don't know. I am not a member of the Shipping Feder-
18 ation. However, I think maybe this was set more in
19 view of general lines, and they were not thinking
20 about the grain carriers or the bulk carriers.

21 MR. LALONDE: What my friend says
22 is true, My Lord. I would like him to explain to me
23 why there is a flat rate in Cornwall when there is no
24 port midway and Kingston when there is hardly any port?

25 MR. BRISSET: Well, you are entering
26 the Seaway system at that point, if I may answer the
27 question.

28 Q. You also speak of tonnage as one of
29 the factors to be taken into consideration; but have
30 you taken into consideration that insofar as tonnage is



1 English

2 concerned, you have a limited draught in the Seaway
3 and the tonnage is not the true criterion of the
4 carrying capacity of the vessel?

5 A. I agree. However ---

6 Q. Would you make any allowance for that
7 or would you make the tariff ---

8 A. The bigger they are the more difficult
9 they are, especially when there is wind in the Welland
10 Canal. There is a big difference between taking up ...
11 As I think I said earlier, the EVA THOLSTRUP and the
12 FRANCOIS L.D. was one of those classes of ships. The
13 EVA THOLSTRUP is approximately 230 feet long and the
14 FRANCOIS L.D. is just 600 and some odd feet long,
15 for the same money. The EVA THOLSTRUP has a 32 foot
16 beam and the FRANCOIS a 75 foot beam. Who is to
17 save money? You have the height of the bridge from
18 the water line on the EVA THOLSTRUP about 20 feet.
19 You have the height of the bridge on the FRANCOIS
20 something around 60 feet, 70 feet.

21 Here you are saying here are two
22 ships, that they should be paying the same. They are
23 paying the same and you are saying that it is just as
24 easy to take up the FRANCOIS L.D. or bring down the
25 FRANCOIS L.D. at 25 feet as it is the EVA THOLSTRUP
26 whose loaded draught is around 14 feet.

27 If I might ask you a question, do you
28 think that is right?

29 MR. LALONDE: You are not entitled to.

30 MR. BRISSET: Q. I would reduce the



1 English

2 flat rate on the small ships. Would you agree to that?

3 A. Well, frankly if it was on tonnage it
4 would be automatically reduced, would it not?

5 COMMISSIONER SMITH: Before you leave
6 that question, I have seen, not particularly officially,
7 a formula, a very complicated formula based on the
8 length, the breadth and the depth of the ship and
9 then by other deductions and formulae arriving at
10 the capacity of the ship and arriving at a unit and
11 then applying another formula in order to fix the
12 tariff or fees.

13 I hope I will not be asked to explain
14 this thing, because I cannot. It is too intricate
15 and requires a whole lot of study and I have not had
16 time to give to it. But would there be, do you think,
17 an improvement in the method of the fixation of pilotage
18 dues by taking some sort of a new formula altogether?

19 THE WITNESS: I think there has got
20 to be a change, Mr. Smith. I think that this present
21 method of fixing fees is wrong and it is driving the
22 small trade away.

23 I am particularly referring to the EVA
24 THOLSTRUP, which is carrying liquid butane from
25 Europe to Sarnia. Here the fees are going up. There
26 are hearings again in Detroit on Monday to increase
27 the fees again. To me this is wrong.

28 The Seaway tonnage has been increasing.
29 If the fees had been set upon tonnage to begin with the
30 income of pilotage tariffs would have gone up gradually



1 English

2 without any, shall we say, direct hurting of the small
3 operator. The pilotage fees would have gone up on
4 a steady scale, I would think, ever since the Seaway
5 opened.

6 But this idea of putting a fixed rate
7 on it, I do not think it is right. I think it is
8 hurting some of these small operators where their
9 ships are built especially for any particular kind of
10 trade. I feel if your tonnage is increasing -- and
11 the tonnage in this area is increasing through bigger
12 ships -- then this would have been taken up. I do
13 not think there would have been any need for asking
14 for raises all the time. I do not think it is a good
15 idea at all.

16 COMMISSIONER SMITH: I should have said
17 that one of the reasons for making this proposal, this
18 suggestion, was because there was some evidence that
19 was given before the Commission in connection with
20 the creation of shelter decks and the removal of
21 plates to effect the same purpose and this partly would
22 overcome all that sort of objection and provide a
23 reality in the question of the application of the impost
24 of pilotage dues.

25 THE WITNESS: Once again, Mr. Smith,
26 this idea of converting a ship from an open deck to
27 a shelter deck has been going on for years. When
28 this was originally done this was not concerned with
29 paying pilotage fees. This was to avoid paying
30 Canal fees or to lower Canal fees. The net registered



1 English
2 tonnage, of course, alters not a great deal, but I
3 believe a thousand tons, with a ship of about 10,000
4 tons dead weight, in converting it from an open deck
5 to a shelter deck vessel, this, of course, made quite
6 a substantial difference in tonnage for Suez Canal
7 tonnage -- which was where this first came into
8 effect, the Suez Canal tonnage or the Panama Canal
9 tonnage.

10 But where the fees were based on --
11 shall we say the pilotage was based on draught and
12 tonnage, I think it is usually quite small. Sometimes
13 it is a quarter of a cent per net registered ton. I
14 think these would be quite small, the pilotage rates,
15 this difference of converting a ship from an open deck
16 to a shelter deck ship. If the companies are going this
17 to avoid paying pilotage dues, I think they are in pretty
18 dire straits and they are not going to be too long in
19 the business.

20 COMMISSIONER SMITH: Thank you.

21 MR. BRISSET: Q. Captain, you mentioned
22 during the course of your last remarks that the ships
23 were getting bigger in the lakes. I take it that you
24 refer to ocean vessels, and we are not talking about lake
25 vessels now?

26 A. Oh, yes. The class of ship is much bigger
27 now than what came up in 1959.

28 Q. Are you quite sure of that, particularly
29 in the regular traders, these package freighters that
30 come up?



1 English

2 A. I would say Yes to the regular traders,
3 but they are gradually getting bigger. Take the
4 MANCHESTER ---

5 Q. If I were to say that on the contrary
6 the tendency is to have smaller ships trading in the
7 Seaway you would not agree?

8 A. I do not think so. Take C.P.R., they have
9 quite small ones coming up -- as we used to call them
10 "canal size". Now they are all about 5,000 tons.

11 Q. I am not speaking of the transition between
12 1958 ---

13 A. I am talking about 1959.

14 Q. When they had to go through the old Canal?

15 A. I am talking of 1959.

16 Q. Since 1959 when the Seaway was opened to
17 larger vessels you are still of that opinion?

18 A. Yes, I am still talking in that way, Mr.
19 Brisset. I think if you check the records and find
20 out the class of ship that many of them had and the
21 class that they have now, you will find that this is so.

22 Q. I would like to pass on to recommendation
23 number 20 in paragraph 69 of your brief, where you say
24 that pilots should take turns to act as harbour pilots
25 at Port Weller at all times in order to relieve three
26 or four pilots waiting below Lock #1 for several hours.

27 Let us assume, Captain, that you have three
28 ships that have come in the Basin and are at the tie-up
29 wall. What would be the procedure to advance them along
30 the wall? Would the ships be warped along the wall?



1 English

2 A. That is the usual way, although quite
3 often to speed things up we will give them a kick ahead
4 on the engines if we are aboard; but they could be
5 warped just as easily.

6 Q. If they are warped along the wall surely
7 they do not require a pilot to do that and he will
8 not get paid for it either?

9 A. No, you do not get paid for it. However,
10 you must remember that the Masters come on in and quite
11 often they have been up all day and they are only too
12 glad to -- in fact quite often it is the first chance
13 they have had to get a couple of hours' sleep. They
14 have been up and going into Toronto and probably been
15 all day in Toronto and sailing at night; this is the
16 first chance they have had to get a sleep.

17 When we go aboard I'll often say, "Go to
18 bed, Captain, and I will give you a call when we are
19 all ready to go into the Lock."

20 Q. In other words, you render this service of
21 assisting in warping the vessel along the wall without
22 pay just to be of assistance?

23 A. As far as I am concerned the pilots in the
24 Welland Canal have to pilot the Welland Canal and we are
25 there to give them that service.

26 Q. And it is not the intention of the Cor-
27 poration when this recommendation is made to request
28 that a fee be set?

29 A. No, it is not.

30 Q. For this service, even if you become free



1 English

2 entrepreneur?

3 A. No, and we discussed this. This was
4 even discussed with the Americans and they feel the same
5 way, that there should be somebody down there.

6 Of course, they have a different system
7 themselves. It goes in their pool and it is still
8 classed in there that this would be the same as a day's
9 work that they do, so this would be classed in their
10 pool. Under no circumstances has there been any talk
11 of increasing for this.

12 Q. I think you told us in your evidence that
13 nowadays because of the heavy traffic, particularly
14 the large lakers, the transit through the Welland Canal
15 was arduous and long and might be of the order of 15 hours,
16 18 hours?

17 A. That is right.

18 Q. Am I putting it fairly?

19 A. Yes.

20 Q. On board ocean vessels -- and you have had
21 experience, Captain -- how long does a wheelman stay
22 at the wheel when he does his turn -- one hour?

23 A. Sometimes, as I have already said, on some
24 ships it is becoming quite a problem of getting good
25 wheelmen. It is not infrequently that we keep the same
26 man. But this is not our wish either. The Captain has
27 picked out one man. He knows he is good for this and
28 this man does it all the time. This is not infrequent.
29 In fact it is quite often done.

30 Q. On normal sea watches for instance, how



1 English

2 long does a wheelsman stay at the wheel?

3 A. Usually two hours.

4 Q. On lake ships has your experience been
5 different?

6 A. They are four hours.

7 Q. Four hours at a stretch?

8 A. Four hours at a stretch, yes.

9 Q. If your transit of the Welland Canal is
10 something like between 15 and 18 hours you would not
11 expect a wheelsman that has been put aboard an ocean
12 ship from ashore to do the whole 18 hours, would you?

13 A. I do not see why not. As I said, it has
14 been done. If we are up there -- he has the feeling
15 of the locks. He can sit down. He has got one thing
16 to think about and that thought is just to do the steering
17 and that is it. I do not know. As I say, it is being
18 done all the time on the foreign-going ships. It has
19 to be done on quite a number now. Once again, it is
20 a matter of argument of how men would stand up to it.

21 Q. Captain, knowing what labour unions are,
22 and I am sure you have theories, would you think the
23 labour union to which this wheelsman would belong would
24 allow a wheelsman to stay at the wheel all through the
25 Welland Canal for 18 hours when the pilot himself has
26 to be relieved at Lock 7?

27 A. No, I would think not. I would think he
28 would probably change with the pilot.

29 Q. Would you not think that eventually what
30 might very well happen is that you would have to have



1 English

2 wheelmen being relieved on board a ship and might end
3 up by having to put on board ocean vessels, if your
4 recommendation is accepted, three wheelmen doing a
5 two-hour trip at the wheel, for instance, or three hours?

6 A. This does not happen in the Manchester
7 Ship Canal. You have the wheelman to take the ship up
8 the Manchester Ship Canal.

9 Q. Are they very special men, these men in
10 the Manchester Canal?

11 A. Yes; they are Masters.

12 Q. From the safety point of view you would
13 see nothing wrong in having the same wheelman do the
14 whole of the Welland Canal?

15 A. I would think it would save me an awful
16 lot of gray hairs.

17 Q. Instead of using the three or four wheels-
18 men you have aboard the ship?

19 A. As I said, sometimes you do not get three
20 or four. You can only find one. The Captain has
21 decided he is the only one he can trust and that fellow
22 has to stay up there the whole time. Sometimes you find
23 the rest are so bad and the one fellow so good that you
24 insist he stays there.

25 MR. JACQUES: How many times last year did
26 you make a complete trip with one wheelman?

27 THE WITNESS: I cannot say offhand, Mr.
28 Jacques. I cannot say at all just how many times, but
29 this frequently happens. It is a thing I have never
30 bothered to keep check of.



1 English

2 MR. LALONDE: Is it a matter of five
3 times or three times or half of the time?

4 THE WITNESS: I made approximately 70
5 trips last year. I would say in that time probably 10,
6 maybe more. I really could not say.

7 MR. BRISSET: Q. Are you really serious,
8 Captain, when you are telling us that one wheelsman
9 on board an ocean ship stays at that wheel all through
10 the Welland Canal?

11 A. All through the Welland Canal, yes. I
12 am perfectly serious. I have even insisted upon it at
13 times. As I have said, when I have seen there is one
14 good man I have kept him there. There is one ship in
15 particular; he was a Greek. This is a rather difficult
16 ship. It is the same one; and he was there; he has
17 been there all the time. I have always asked and I
18 have kept him, for two reasons -- he understands a
19 little English; secondly, the ship being a very diffi-
20 cult ship, he immediately says when the vessel is
21 not answering.

22 Q. Did he stay awake the whole trip?

23 A. Everybody else does. That is the
24 GORGIOUS MANALAKOUS. I had that ship, I think, four
25 times one year and I insisted every time, and I might
26 say I got that ship up and down, well, without losing
27 too much hair anyway. Quite often it is the Master's
28 wish. As I said now, he is a good man. He insists upon
29 it himself.

30 Q. At all events, insofar as you can foresee



1 English

2 you do not expect any difficulty on the part of the
3 wheelmen and the union to which they may belong in this
4 regard if they are to be kept at the wheel for hours
5 all through the Welland Canal?

6 A. I don't know. This is a thing you would
7 have to talk out.

8 Q. You have thought of this when you made the
9 recommendation?

10 MR. LALONDE: The witness has already
11 answered that he thought the wheelman would be relieved
12 at the same time as the pilot at Lock 7.

13 THE WITNESS: As I have said, it works
14 in the Manchester Ship Canal. I haven't heard about
15 any complaints there.

16 Q. Did I read the recommendation improperly
17 when I read it, "special wheelmen (plural) should be
18 placed on all ocean vessels"? You mean one wheelman
19 on board an ocean vessel?

20 A. Yes. When you say "wheelmen", the
21 second word is "vessels". You can't have one wheelman
22 on two vessels.

23 Q. Anyway we have cleared what you meant.

24 A. I think we may be trying to cut down on
25 English too.

26 Q. We have heard from Captain Albinson, I
27 believe, regarding his difficulties with a wheelman
28 on board foreign ships because of language; they
29 couldn't understand what he meant by "port" and what
30 he meant by "starboard", but you do not appear to have



1 English
2 had the same difficulty. There is one other area where
3 there might be language difficulty; it is in connection
4 with the orders to the engineroom that would have to
5 be relayed by telegraph or telephone, whatever means
6 there are. You might have to say, "Dead slow astern",
7 "Dead slow ahead", orders that are perhaps more compli-
8 cated than "port" and "starboard".

9 Do you think there should be placed on
10 board ocean ships where the crew is speaking a foreign
11 language a man to handle the telegraph and avoid these
12 difficulties?

13 A. No. I think usually the Captains do
14 quite well.

15 Q. Do quite well, so you don't have the
16 same problem?

17 A. No, sir. Some of them put my English
18 to shame.

19 Q. However, you have had problems down in
20 the engineroom because they don't seem to understand
21 what is meant by "dead slow". Would you think there
22 would be an advantage from a safety point of view to
23 have a man put down below in the engineroom?

24 A. No, I don't agree with that at all. All
25 people are not the same. Different people have
26 different ideas. A different engineer might think it
27 is ruining his engine to run them at dead slow at a
28 certain speed and another one doesn't. This is a thing
29 that has to be straightened out. After all, engineers
30 are a queer breed. Looking at it from a deck officer's



1 English

2 point of view, this is, of course.

3 Q. In other words, you would be satisfied
4 if there was a pilot put on board, perhaps an apprentice
5 pilot with you, and a wheelsman, and you would stop
6 there? You wouldn't want to change the whole crew?

7 A. Hardly.

8 Q. Or put in a new crew?

9 A. It would be like the Panama; bring your
10 own men to moor the ship, and then we would be all set.
11 We could do a wonderful job.

12 Q. I was trying to be facetious.

13 A. In the Panama he brings his complete
14 crew aboard with the bosun, and they do the mooring,
15 so if you want it to be as easy as possible, do the
16 same as in Panama. You have the whole darn shooting
17 match.

18 Q. We have forgotten somebody then. Some
19 of the pilots are not satisfied with the food on board
20 certain ships. Perhaps you suggest that the pilots
21 bring their own cook too?

22 MR. JACQUES: On the Hoogley River they
23 do in fact have their own steward.

24 Q. Captain, I have just one more question,
25 and I will ask you to assume something with me.
26 Assuming that the Welland Canal were to be in the future
27 within the exclusive sphere of Canadian operations,
28 would you agree that the St. Lawrence Seaway Authority
29 might be the proper body to be the pilotage authority
30 within the Canal since they also control traffic?



1 English

2 A. In the first place you are trying to
3 scrap the Act.

4 Q. I have to ask you to assume a lot of
5 things.

6 A. I think you are assuming too much. After
7 all, this is an international agreement.

8 Q. You don't want to commit yourself?

9 A. Well, there are American pilots that are
10 living quite close at Grand Island, Buffalo. I think
11 you are not taking them into consideration at all. It
12 is hard to say.

13 MR. BRISSET: Thank you, Captain.

14

15 CROSS-EXAMINATION BY MR. JACQUES:

16 Q. Would you turn to paragraph 25 of your
17 brief, please? The last sentence reads as follows:

18 "This quality -- this quality of pilotage service --
19 should not be lowered by bureaucratic fumbling or
20 jealousy." Would you explain what is meant by
21 "bureaucratic fumbling or jealousy"?

22 A. I think we will take jealousy first.

23 Q. Yes. Any one first.

24 A. This has been told to us at meetings in
25 Ottawa --

26 Q. I'm sorry, I didn't catch that.

27 A. This has been said to us at meetings
28 in Ottawa, "Just look at the money you earn". I think
29 that covers a great deal. There is a great deal of
30 jealousy on the part of some in Ottawa that we are



1 English

2 making more than they are.

3 To earn that money, as far as they are
4 concerned, I think some of them would like to see us
5 put in 24 hours a day, if necessary. This has been
6 thrown up to us, "Look at the money you earn",
7 regardless of what we have done to obtain our certifi-
8 cates or anything else. A complete difference of the
9 nature of work. There is certainly a great deal of
10 difference between being a pen pusher and being a
11 pilot.

12 Q. Yes?

13 A. I don't see how it should have ever
14 crept in, but in all the talks in Ottawa, "Oh, look
15 at the money we earn", because we are doing an entirely
16 different form of job, and we are doing a specialized
17 job. We are also one of the few government agencies
18 that are making money for the government, and I don't
19 think that should have ever been thrown at us, "Look
20 at the money you earn", and I think this is one of the
21 things that is wrong, that they feel we are making more
22 than they are.

23 For the same reason -- just a moment. I
24 haven't finished yet. I was just calming down a
25 second.

26 Q. Are you calm now?

27 A. Yes. This business of unemployment
28 insurance. This is a sore point with me.

29 Q. Will you explain why it is a sore point
30 with you? Is that in your personal capacity or official



1 English

2 A. This is my own personal capacity.

3 Q. Good.

4 A. I feel that we make enough -- if the
5 government wants to keep us on the ship, pay us a
6 retainer. They shouldn't expect men to draw unemployment
7 insurance. Personally I don't draw it myself because
8 I feel it is wrong. I think when the insurance fund
9 was set up it was meant for the needy, and has become a
10 political pork barrel for the greedy.

11 Q. So you don't --

12 A. I feel we make enough money that if they
13 want to keep us on a retainer this would cover the
14 business of superannuation. Hospitalization, etc. The
15 whole problem could have been solved right there. I
16 see no reason why they couldn't have put all this --
17 we certainly made enough money for them, and I see no
18 reason why they couldn't have done this rather than
19 say, "You are off pay and you go to the unemployment
20 insurance". This to me is utterly, stupidly and
21 morally wrong.

22 Q. Did you serve as third mate for the
23 C.S.L. under a retainer through the winter?

24 A. No, I didn't, but nevertheless I went
25 and took work elsewhere.

26 Q. Do you know of any company which pays
27 retainers to its mates and engineers here on the Lake?

28 A. Quebec and Ontario Paper Companies pay
29 the Masters and engineers for eleven months.

30 Q. Do they pay the mates?



1 English

2 A. I don't know. I haven't been talking
3 to the mates whether they do or not. I know they do
4 the Masters and Chief Engineers. Whether they do the
5 mates or not I couldn't say. However, if the Department
6 wants to class us in comparison with Masters which we
7 have had them say they don't put any more onus on us
8 than a Master, then class us with the best and pay us.

9 Q. What about the bureaucratic fumbling?

10 A. Well now, I would say bureaucratic
11 fumbling started right from the very beginning.

12 Q. Yes. How?

13 A. The Shipping Federation were operating
14 this in 1958 with 29 pilots and here was the Seaway
15 opening, and they knew the volume of traffic was
16 going to be doubled at least, when they figured they
17 could do it with 20. That is a lovely fumble, that one.
18 This is the way it has carried on all the time.

19 They won't talk to the men who are in it
20 or who have any idea. They seem to figure they can do
21 this from Ottawa. They know just exactly what they
22 are going to need. They will wait until a ship is
23 out at anchor and they will not even ask us --

24 Q. Would you be a little more precise? You
25 gave one instance. You said the Shipping Federation
26 operated the pilotage District with 29 pilots and the
27 Department thought, so you say, that it could operate
28 it with 20 men. What is the next fumbling?

29 A. Well now, the next fumble I would say was
30 as that was proceeding, not putting men on full time.



1 English

2 They lost a lot of good men because they wouldn't say
3 they were going to be on permanently. They were going
4 to be just part-time.

5 Here were all these ships at anchor,
6 and yet they still insisted that the men throughout
7 that entire year of 1959 -- these other men just spare
8 time or part-time employees, and they lost a lot of
9 good men in that. That is another good fumble.

10 Q. They offered I believe 20 permanent
11 positions at first; is that correct?

12 A. Yes.

13 Q. And then they offered what?

14 A. The rest at that time were on a part-time
15 basis.

16 Q. What were you offered? You were not in
17 the original twenty?

18 A. No, I wasn't offered anything. If I
19 came to work it was on a strictly part-time basis.

20 Q. I don't understand "part-time basis". How
21 could you be part-time?

22 A. You are certainly not permanent; if you
23 are not permanent you are obviously part-time.

24 Q. As opposed to permanent you say part-time?

25 A. Yes.

26 Q. Yes?

27 A. This went on throughout the entire season
28 although, as I said, I think the bulk of 1959 there
29 were ships at anchor, and as I say, they lost quite a
30 number of good men through this attitude of "Well, you



1 English

2 are just going to be on part-time. You might be on
3 this week and you might be laid off next week."

4 In 1960 --

5 Q. Yes?

6 A. They did take the men on, and I will say
7 1960 was a reasonably easier year. However, during
8 1960 I think the least the Department could have done
9 was to have consulted the pilots about the Act, about
10 the international Act on pilotage. We were not
11 consulted in any way as to what was required or what
12 would be needed.

13 Q. At that time you were an employee of the
14 Crown?

15 A. Yes.

16 Q. You were not consulted?

17 A. We were not consulted about this Act.

18 Certainly, if that isn't fumbling --

19 Q. So you think you should have been
20 consulted by the government on the proposed legislation?

21 A. I think so. After all, the fellows who
22 were working should know something about it as to what
23 is needed or required. 1961 started with going outside
24 the District. Obviously there wasn't enough men.
25 Once again we get back to shortage of pilots.

26 Q. So you claim then you were short of
27 pilots?

28 A. Pardon?

29 Q. You claim that you were short of pilots
30 then?



1 English

2 A. Claim?

3 Q. In 1961.

4 A. This is a fact.

5 Q. Then what is the next fumbling? You
6 have two years to go.

7 A. Good. The next fumble -- this of course
8 went on in 1960, and I think there was --

9 Q. We are in 1961.

10 A. In 1961 I should say there was certainly
11 a fair amount of letters back and forth. However, I
12 don't think the Department ever took us seriously.

13 Q. Why do you say that? Would you give me
14 examples of that?

15 A. Well, here if this was going on, surely
16 somebody would have come down and tried to have a talk
17 with the pilots and just find out what was going on.
18 Certainly we were never -- nobody came down from
19 Ottawa.

20 Q. I'm sorry. You said somebody should have
21 come down and talked with the pilots and found out
22 what was going on. What was going on?

23 A. Well, the fantastic hours for one thing
24 that were being worked.

25 Q. What about Captain Watson? Didn't he
26 represent the Department here? Did you not have
27 access to Captain Watson?

28 A. Yes. However, I think Captain Watson's
29 hands were tied in the fact that he is low man on the
30 totem pole. I don't think Captain Watson has enough



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Stevenson, cr-ex 15791
(Jacques)

1 English

2 authority to do anything drastic. Captain Watson is
3 so far down the totem pole I am quite sure he doesn't
4 have authority.

5 Q. Did you complain --

6 A. He is Superintendent. He should have
7 authority to say. He shouldn't have to take everything
8 to Ottawa. He should have authority to say how it is
9 being run as a pilotage operation.

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1 Q. We are getting away from the question.

2 My question was, did you complain to him?

3 A. I think every pilot complained at one time
4 or another about the conditions.

5 Q. Yes; then what happened?

6 A. Nothing.

7 Q. There was no redress of what you presented
8 as a brief?

9 A. As far as 1961 was concerned the men
10 carried on as best they could. They got more U.S.
11 pilots in as quickly as they could. However, 1962
12 certainly told the tale in absenteeism. I think that
13 the men were off - there was a fantastic amount of
14 absenteeism in 1962. To me I think it finally caught up
15 with the men in 1962.

16 Q. Sorry; I will interrupt you here. We
17 will get the exact number of days on which each and every
18 pilot was absent during the years 1961, 1962 and 1963.

19 A. There was as much in 1962 - we had as much,
20 as I say, as 25% absenteeism. I do not think there is
21 any industry going that you -- at that time in the summer
22 months absent and run down. It certainly did not just
23 come up in 1962; it was a gradual work-up from 1961.

24 Q. All right, and anything else in 1962?

25 A. Well, as regards the fumbling in 1962 we
26 formed a corporation, in the Spring of 1962. We certainly
27 had a great deal of difficulty getting to meet them or
28 even accept the fact that we had formed a corporation.

29 Q. Is that fumbling?

30 A. It was fumbling in the fact that it did not



1 do any good to help relations between the pilots and the
2 D.O.T.

3 Q. You were president upon the formation of
4 the corporation?

5 A. Yes.

6 Q. Have you tried to ascertain if there were
7 any set procedure laid down for prevailing rate employees
8 to address their employers through representatives?

9 A. Now you have brought that one up, we have
10 never been given even today the pamphlet of prevailing
11 rate employees booklet.

12 Q. Have you asked?

13 A. I did not know it existed until last Fall.

14 Q. And last Fall when you found out it
15 existed did you ask for it?

16 A. I have asked Captain Watson about it and
17 Captain Watson knew nothing about it.

18 Q. Captain Watson knew nothing about the
19 prevailing rate employee regulations?

20 MR. LALONDE: "Booklet" he said.

21 THE WITNESS: Booklet - yes.

22 MR. JACQUES: Q. What do you mean - booklet
23 or regulations?

24 A. The booklet contained the regulations.

25 Q. Let us refer to it as "regulations"
26 because it might be on printed sheets of paper for all
27 I know.

28 A. All right, good - the regulations.

29 Q. When you were hired as pilot, as a prevail-
30 ing rate employee, did you enquire under what terms and



1 conditions you would be working? Surely at that time
2 you must have known just as everybody knows that the
3 government has a lot of employees and they are all
4 classified somehow or other?

5 A. I have the original right there of the
6 ad. Everything was very nice and rosy.

7 Q. Was it filed?

8 A. It has been filed, yes.

9 MR. LALONDE: If it may help things, the
10 document called "Information, Policies" et cetera which
11 was given to each pilot was also filed - that piece of
12 paper where they had various types of information.

13 THE WITNESS: However, once again we get down
14 to the prevailing rate employees, rules and regulations.
15 I think the minutes, about which we knew nothing, the
16 minutes of the regulations - state a 50-hour week. We
17 have certainly put in quite a lot more than any 50-hour
18 week. By that I mean of actual pilotage - quite often
19 (which I do not think there is any other pilotage going).

20 Now in the rules and regulations it states that
21 your holiday pay is based on your work week, so is your
22 sick leave pay. If this is so we are now coming into
23 the grounds of have we been cheated? What is the actual
24 work week?

25 MR. JACQUES: Q. I am sorry; I am still waiting
26 to find out if you were fully aware of all the terms and
27 conditions of your employment when you were hired as a
28 pilot?

29 A. No, we were not fully aware. I do not
30 think there was anybody there who could tell us. We took



1 an oath of allegiance when we were hired and we took an
2 oath of secrecy, and that was it. No one explained to
3 us what our standing was.

4 Q. What was that?

5 A. I said no one explained to us what our
6 standing was or what our rights/or what our rights were
7 not.

8 COMMISSIONER SMITH: Captain, I would like to
9 ask you this question. There is a time honoured or
10 dishonoured custom in this country (whichever way you
11 want to look at it) of public servants or civil servants
12 or quasi civil servants taking up their grievance or
13 grievances with the federal representatives from the
14 district. Was that done in your case?

15 THE WITNESS: Yes. We had sent telegrams
16 to the M.P. and also to the Deputy Minister and Minister.
17 This was done on two or three occasions. I could not say
18 just how many now off hand. This certainly was done.

19 MR. JACQUES: Q. This document entitled
20 "Information, Policies and Regulations" has been filed
21 as Exhibit 1011. The last paragraph of this document
22 reads as follows: "For any further information not
23 contained here please consult the supervising pilot."

24 A. Yes. We have consulted the supervising
25 pilot.

26 Q. And you became pilot when?

27 A. Well, we became officially pilot at the
28 Spring of 1960. As I say ---

29 Q. When did you pass the examination to which
30 you referred?



1 A A. In 1955. But during 1959 we were working
2 on a part-time basis. We were not assured employment
3 until 1960.

4 Q. I see. This document Exhibit 1011 or
5 a similar one, because this one is dated 8/2/61?

6 A. Yes.

7 Q. A similar document; was that given to you
8 in 1959?

9 A. If you show me I will tell you. (Same
10 handed to Witness). There was no document like this
11 given whatsoever in 1959.

12 Q. Was there any document given in 1959?

13 A. To the permanent employees?

14 Q. No, to you; I am talking about you.

15 Q. No; I do not think there was any document
16 given in 1959 to me, no. In 1960, yes.

17 Q. Is that when you became permanent?

18 A. That is when I became permanent, yes.

19 Q. Back in 1959 you say nobody^{ever} gave you any
20 document containing your terms of reference or your
21 conditions of employment?

22 A. No - 1960.

23 Q. 1960?

24 A. Yes.

25 Q. During the interview which you had in 1959
26 or the examination, let us say, you were told nothing
27 about the conditions of employment?

28 A. Nothing whatsoever, no.

29 Q. I was looking for another document, but I
30 will pass on to another document.



1 MR. LALONDE: I am sorry; he is not finished.
2 There is still more to come.

3 MR. JACQUES:

4 Q. I am sorry.

5 A. We were back to 1962.

6 Q. Oh, yes, the bumbling in 1963. We finished
7 1962; we are up to the bumbling in 1963.

8 MR. LALONDE: It is called "fumbling".

9 THE CHAIRMAN: Fumbling, not bumbling.

10 MR. JACQUES: I must have had the other brief
11 in mind, my Lord.

12 MR. LALONDE: If I may help here, I think
13 Captain Stevenson testified as to this exact point. I
14 questioned him in St. Catharines and I have a note here
15 that he referred to two things, the dispatching rules in
16 particular.

17 MR. JACQUES: I think the witness is well able
18 to take care of himself, as he has shown during the whole
19 day.

20 MR. LALONDE: It is just that my friend is
21 asking exactly the same question I asked and the witness
22 has answered, so he may want to help the witness or
23 expedite things by referring to the questions which were
24 asked then.

25 MR. JACQUES:

26 Q. What was the fumbling in 1963?

27 A. 1963; I think the biggest fumble in 1963
28 was this pre-season work. This is not a good thing.
29 It is not conducive to good pilotage. All the men
30 should be on pay or pooled. It causes a lot of ---



1 Q. All the men should be on pay or what?

2 A. Or else either pool the money, because
3 some fellow gets a ship trading between Toledo and
4 Windsor, say, and probably makes himself a thousand
5 dollars. Another takes one up the canal for a hundred.
6 This startes jealousies off amongst the men.

7 Q. Was there any complaint made to the
8 supervising pilot in that respect?

9 A. I think it is in our brief, that the men
10 should be on pay from the first of April to the 15th
11 of December.

12 Q. Apart from the brief when this plan was
13 inaugurated was there any opposition or any protest made?

14 A. Protest was made in the brief to Ottawa.

15 Q. Which brief?

16 A. In the 1962, I think and in the 1963, from
17 the first April to the 15th December. I think it is
18 again in the 1964.

19 Q. Exhibit 1055?

20 A. Yes.

21 Q. You have it before you. Would you point
22 out this item?

23 A. It is not in the brief. However, I am
24 quite sure it was brought up when we were in Ottawa.

25 Q. But it is not in the brief, Exhibit 1055?

26 A. That is right. It is however in the 1964
27 one, but in the 1963 it is not.

28 Q. I have one last question. Would you turn
29 to paragraph 26?

30 MR. LALONDE: I am sorry; my friend has asked a



question about fumbling. The question was asked by myself at page 14497 of the transcript. My question was

"What are you referring to when you refer to beaurocratic fumbling? What do you have in mind in particular?"

A. Well, let us say that we have been piloting here now for four years and we still have not got any concrete working rules. I would say that is a pretty big fumbling, for four years, when you cannot even grasp the ball. There is also the matter of, I would say there is probably fumbling in the dispatching too and also the fumbling of the issue of the open waters transits. We maintain that they should have kept into the district which is advertised as the District."

Probably that should read "kept us".

"If they are going to give proper service to the ship owners they should have kept the pilots in the District. I think this was a pretty big fumbling, that they did not look after this when they had it."

That is at page 14498.

MR. JACQUES: I am sure the Commission can read.

MR. LALONDE: I was afraid my friend could not read.

MR. JACQUES: Paragraphs 26 and 27 of your brief read:



1 "The Corporation does not question the good-
2 will of any given minister or deputy minister.
3 However, the pilots of District No. 2 can only
4 view senior officers of the Department of
5 Transport with hostility and suspicion."

6 THE CHAIRMAN: There was a word there you
7 missed - "can only view various senior officers", not
8 all of them.

9 MR. JACQUES: Did I say "all"?

10 THE CHAIRMAN: No. I do not think you read
11 "various".

12 MR. LALONDE: My friend has just proved my
13 point.

14 MR. JACQUES:

15 Q. "Various senior officers of the Department
16 of Transport with hostility and suspicion."

17 In the second paragraph, that is paragraph 27
18 I read as follows: "In December, 1959, various officials
19 of the Department met with all the pilots and at that
20 meeting there was a marked hostility."

21 Would you explain this hostility? In the
22 first paragraph there is hostility on the part of the
23 pilot against those senior officers of the Department
24 and then in the second paragraph which I have read the
25 word "hostility" comes up again. Is that the same
26 hostility on the part of the pilot against the officers
27 of the Department or was it hostility on the part of
28 the Department against the pilot?

29 A. I do not think there is hostility on the
30 part of the Department against the pilot. I think there



1 is more apathy than hostility.

2 Q. So the hostility was on the part of the
3 pilot?

4 A. Yes.

5 MR. JACQUES: Thank you.

6 THE CHAIRMAN: Are there any further questions
7 of Captain Stevenson?

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1 MR. LALONDE: I should have, my Lord.

2 THE CHAIRMAN: We would like to finish up with
3 Captain Stevenson if at all possible to-night.

4 MR. LALONDE: If I have any, I will only be a
5 minute or two, my Lord.

6 THE CHAIRMAN: All right, take your time.

7 RE-DIRECT EXAMINATION BY MR. LALONDE:

8 Q. Captain Stevenson, I am showing you two
9 documents in reference to the meeting between the pilots
10 joint committee and the Department of Transport in 1963.
11 Early 1963 I believe. Is that true?

12 A. Yes.

13 Q. I am showing you a document signed by
14 Captain J. W. Howie, provisional secretary-treasurer of
15 the Corporation of Professional Great Lakes Pilots re
16 meeting of pilots committee? A. Yes.

17 Q. And I notice this document says that
18 a meeting was called with various representatives of
19 pilots and this meeting was called after it was shown
20 the majority of pilots proved their interest by don-
21 ating \$25.00 each towards an expense fund. To date
22 all pilots, with the exception of seven, are behind this
23 movement.

24 That is dated December 7?

25 A. 1962.

26 Q. The main purpose of the meeting was to
27 plan the course of action to be taken. It was decided
28 to ask each pilot to advise the committee by letter of
29 his grievances in their respective districts during the
30 past season, and what his views are on how to remedy the



1 situation. Make up your brief, being sure to include
2 all your working hours.

3 To keep expenses to a minimum, the committee
4 asks your co-operation by presenting your brief by mail
5 thus saving the cost of a general meeting. However,
6 they do want everyone thought's to be in the brief
7 which should be in by January 8, 1963, to give the
8 committee time to study it before presentation to
9 Ottawa.

10 And it carries on. Do you know whether this
11 document was mailed to all the members of your
12 corporation?

13 A. Yes, it was mailed to everyone.

14 Q. I have another document here entitled
15 Report of Meeting Between Pilots Joint Committee and
16 the Department of Transport, signed J. M. Andrews. It
17 is undated. Would you have knowledge of this document?

18 A. Yes, it was made up after the meeting
19 with the Department of Transport.

20 Q. As far as you know was it mailed to all
21 the pilots in your coporation?

22 A. Everyone. It was mailed to all the
23 members who participated in the joint meeting.

24 Q. That would be all the pilots who have
25 contributed to the expense fund?

26 A. Yes.

27 Q. And this is a report. Did you read the
28 report of Captain Andrews?

29 A. Yes.

30 Q. Would you say that this is a fair rep-



1 resentation of what took place at that meeting.

2 A. I would say quite fair, yes.

3 MR. LALONDE: I might file these two documents
4 together in a bundle.

5 THE CHAIRMAN: Exhibit 1123. Would you give
6 a description?

7 MR. LALONDE: Circular and report concerning
8 meeting between pilots joint committee and Department of
9 Transport, December 1962, and early 1963. No date.

10 ---EXHIBIT 1123, Circular and report concerning
11 meeting between pilots joint com-
12 mittee and the Department of
 Transport.

13 MR. LALONDE: Thank you, my Lord, I think I
14 have finished.

15 THE CHAIRMAN: Any further questions of
16 Captain Stevenson? Then we will adjourn now until
17 to-morrow morning at 10:00 o'clock, and we are now
18 going to visit.....

19 THE SECRETARY: The Provincial Marine School,
20 which is called, Institute of Trade and Occupation,
21 to see radar equipment.

22 THE CHAIRMAN: So we are going right now.
23 They are expecting us and everybody is invited.

24 --- Whereupon the hearing was adjourned until
25 Thursday, the 9th day of April, 1964, at 10.00 a.m.

26 --

27 --

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
TORONTO, ONTARIO

VOLUME No.:
124

DATE:
9th April, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Thursday, the
the 9th day of April, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada.
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. J. G. Langs	for the Hamilton Harbour Commissioners
Mr. Colin Nason	for the Dominion Marine Association
Mr. G.W. Robinette	for the Imperial Oil Limited



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1 ---UPON RESUMING AT TEN O'CLOCK A.M. ON APRIL 9th, 1964.

2 MR. JACQUES: My Lord, before we proceed
3 with the brief of the Civil Service Association of
4 Canada there are several letters which I should like
5 to read into the record.

6 The first letter is a letter received
7 by the Commission from Mr. Don Lucky, the Dispatcher
8 for #3 District at the Lakehead, which is dated April
9 2nd, 1964.

10 "Gentlemen: In response to your request
11 of March 18th, I am enclosing herewith copies
12 of the call sheet which was used in the dispatch
13 service in 1962 and 1963.

14 The Commission may further like to know
15 that I will not be providing the dispatch
16 services this year. The American Association
17 have decided to place the control with someone
18 else, and I feel that this was probably done
19 because of my outspoken attitude to them on
20 some of the items with which I did not agree.
21 This included the fact that the Canadians did
22 not have any voice in the operation of the pool,
23 whereas the American pilots did, and also in
24 connection with the treatment that the three
25 Canadians received in having been forced to look
26 after the Soo River in December, the worst time
27 of the year, while the American pilots were off
28 duty, or working at some other occupation.

29 Needless to say, it has been a worthwhile
30 experience, and I can only hope that the Commis-



1 sion will find that the Canadian position in
2 District 3, requires some grooming and
3 improving to put us in a more favourable
4 position.

5 Please also find enclosed my expense
6 sheet report for your attention."

7 I wonder if the call sheets were given
8 a number when Mr. Lucky gave evidence?

9 THE SECRETARY: No, My Lord. The
10 document that the Commission Counsel asked Mr. Lucky
11 to report on was not a document that was entered into
12 the record when Mr. Lucky testified.

13 MR. JACQUES: Then the call sheet shall
14 be filed as Exhibit 1124.

15 ---EXHIBIT NO. 1124: Letter dated April 2, 1964 from
16 Don Lucky to the Royal Commission
17 on Pilotage, with attached call
sheet.

18 MR. JACQUES: The second letter which I
19 should like to read relates also to Canadian pilots
20 in District 3. It was addressed on April 2nd, 1964
21 by the Lake Superior Pilots Association, Inc. to
22 Captain D. R. Jones, Superintendent of Pilotage,
23 Department of Transport, Ottawa, Canada. It refers
24 to Captain Mallette's completion of duty in 1963. The
25 letter reads:

26 "Dear Captain Jones: We have your
27 letter of 3/25 inquiring as to the circumstances
28 of Captain Mallette's completion of his 1963
29 pilotage duties.
30



1 Captain Mallette contacted us in the
2 later part of November, stated that his wife
3 would be in surgery about the end of November,
4 and asked that, if we did not need him he would
5 appreciate finishing the season about November
6 25. He mentioned that if pilotage requirements
7 were such that he was needed, he would continue
8 to work.

9 In reviewing our needs, we felt that
10 if ~~Captains~~ Hanrahan and Harrison could remain
11 at the Soo we would not need Captain Mallette.
12 When we received confirmation of their staying
13 on we notified Captain Mallette and he completed
14 the 63 season on November 25.

15 Since time was short, our contacts were
16 by telephone. Thus we have no copies of
17 correspondence to send you.

18 We sincerely hope this will give you the
19 needed information. If we can be of further
20 assistance, please advise. Incidentally, we
21 have a high regard for our three Canadian pilots.
22 Their efforts and conduct have been excellent.

23 Sincerely,

24 Lake Superior Pilots Association,
25 Inc.,
'E. A. Kuefner' "

26 I should like to file that letter as
27 Exhibit 1125.

28 THE SECRETARY: My Lord, I am wondering
29 if it is necessary to file that as an Exhibit since it
30 has been read into the record.



1 MR. LALONDE: I would prefer if possible
2 that it be filed. I would like to refer to it later
3 on.

4
5 ---EXHIBIT NO. 1125: Letter dated April 2nd, 1964 from
6 Lake Superior Pilots Association
7 Inc. to Captain D. R. Jones,
8 Superintendent of Pilotage,
9 Department of Transport, Ottawa.

10 MR. JACQUES: If I may, My Lord, the
11 evidence with respect to Captain Mallette's termination
12 in 1963 will be amplified in Ottawa. At the
13 Commission's request Captain Norman S. Johnston had
14 requested him to appear again before the Commission
15 in connection with the John Lindsay affair.

16 In the latter part of March the
17 Commission received a letter dated March 28th, 1964
18 from Captain Norman S. Johnston. The purpose and
19 intent of this letter was to have Captain John Lindsay
20 as a witness in connection with his dismissal from the
21 pilotage service.

22 Upon receiving that letter the Secretary
23 of the Commission wrote to Captain Johnston advising
24 him if Mr. Lindsay wished to be heard that a date would
25 be set aside for his evidence. The date chosen was
26 April 8th. Subsequently you received a letter?

27 THE CHAIRMAN: Yesterday.

28 MR. JACQUES: From Captain John Lindsay
29 advising us he would have liked to appear before the
30 Commission but that he could not afford the expenses of
traveling to Toronto for his evidence. I don't think
there is any need to read the letter.



1 THE CHAIRMAN: No. You may file it.

2 MR. JACQUES: Yes, My Lord. There are
3 three letters in a bundle. The first one is a letter
4 from Norman S. Johnston to the Commission dated March
5 28th, 1964 and replying to this a letter by the Secretary
6 of the Commission on April 1st, 1964, and a letter from
7 Captain John Lindsay, dated the 4th of April, 1964
8 addressed to the Commission. They will be Exhibit 1126.

9 ---EXHIBIT NO. 1126: Letter dated March 28th, 1964 from
10 Captain Norman S. Johnston to
11 the Royal Commission on Pilotage;
12 letter dated April 1st, 1964 from
13 the Royal Commission on Pilotage
14 to Captain Norman S. Johnston;
15 letter dated April 4th, 1964 from
16 Captain John Lindsay to the Royal
17 Commission on Pilotage.

18 THE CHAIRMAN: As I told Captain Johnston
19 at the time of his testimony here, Captain Lindsay's
20 case will be reviewed at the Ottawa hearing.

21 MR. JACQUES: Of course, My Lord.

22 THE CHAIRMAN: We will see what happened.

23 MR. JACQUES: Yes, My Lord. I should now
24 like to proceed with the brief of the Civil Service
25 Association of Canada, My Lord, which has been filed
26 in St. Catharines as Exhibit 1003. I would ask Mr. Tombs,
27 who prepared the brief, I believe, to take the stand as
28 a witness.

29 RALPH TOMBS, ASSISTANT NATIONAL
30 SECRETARY OF THE CIVIL SERVICE
ASSOCIATION OF CANADA, Sworn

31 DIRECT EXAMINATION BY MR. JACQUES:

32 Q. How long have you been with the Civil
33 Service Association of Canada?



English

A. Since 1956.

Q. And what are your duties as Assistant National Secretary?

A. They are many and varied. We receive problems and grievances and appeals from various members in all parts of the country which are dealt with in the National Office in Ottawa, providing they have been dealt with locally or on a regional basis. We also make presentations to various Departments of Government, various agencies of government.

I have been also responsible for applying for certification to the Canadian Labour Relations Board on behalf of the Crown agency membership groups of the Association and have been responsible for conducting negotiations on their part.

Q. And how long have you been connected with the labour field in Canada?

A. I should say since 1949.

Q. 1949. Have you any university degree?

A. No, I haven't.

Q. Or certificate of any kind?

A. No. I am participating in a certificate course at the Carleton University in public administration.

Q. Would you first explain what is the Civil Service Association of Canada?

A. It is an association of employees employed by the Crown.

Q. Is it a body corporate?

A. No, it is not. It is for the purpose of



1 English

2 advancing economic and general conditions of employment
3 of government employees at large.

4 Q. How long has it been in existence?

5 A. The Civil Service Association of Canada
6 came into existence in 1958 as the result of a merger
7 between the amalgamation of the Civil Service of
8 Canada and the Civil Service Association of Ottawa. The
9 latter came into existence in 1905 and the former came
10 into existence in 1921.

11 Q. And would you tell the Commission how
12 you became involved in pilotage in District #2?

13 A. Yes. Some of the pilots approached our
14 full time regional representative.

15 Q. Where is he stationed?

16 A. He is stationed in Toronto. He explained
17 the Association to them, their aims and objectives, and
18 they displayed a good deal of interest in it.

19 Q. When was that?

20 A. Shortly after the Department of Transport
21 took over the responsibility for District #2. I believe
22 it was in late 1959.

23 Q. And what was done then by your Associ-
24 ation?

25 A. We canvassed the members, at least our
26 representative canvassed the members.

27 Q. How was that done?

28 A. It is done through circular letter or
29 a notice on the notice boards or personal interview
30 whenever the opportunity presents itself. At that time



1 English
2 our constitution called for fifteen members before a
3 local branch or local Council could be formed. We
4 obtained the necessary fifteen members, I believe, in
5 early 1960 and we formed a local Council of pilots
6 in the Port Weller-Sarnia District.

7 Q. Would your representative attend the
8 meetings of the local Council?

9 A. He would attend the initial meeting and
10 possibly one or two, make them acquainted with the
11 operation of the Association. He would likely attend
12 the initial election of officers.

13 Q. And does this local Council have a
14 constitution of some kind, or rules and by-laws of
15 some kind?

16 A. No. They follow the general constitution
17 of the Association.

18 Q. And you mentioned the fact of members
19 of the Council. How is the election held?

20 A. The election is held constitutionally,
21 annually in November or December, at which time they
22 call a general meeting of all the members to nominate
23 and elect, usually three officers of a group of this
24 size -- the President, Vice-President, and Secretary-
25 Treasurer.

26 Q. Now, would you be kind enough to supply
27 the Commission with a copy of all documents relevant
28 to the constitution of a Council, the rules, by-laws,
29 or what not? Whatever is applicable?

30 A. Could I get my briefcase which I left over



1 English

2 there by the table? Yes, here is a copy of our
3 constitution as amended.

4 MR. JACQUES: I should like to file
5 this document as Exhibit 1127. It is entitled
6 Constitution of the Civil Service Association of
7 Canada, dated October 2nd, 1962.

8
9 ---EXHIBIT NO. 1127: Constitution of the Civil Service
10 Association of Canada, dated
11 October 2nd, 1962.

12 Q. Are there any amendments?

13 A. No. It has been amended. It is up to
14 date.

15 Q. Would you point out the relevant sections
16 to the local Council?

17 A. Section 8 on page 9.

18 Q. This says a minimum membership of twenty.

19 A. If you read further on that is explained.

20 If the membership falls below fifteen, it shall be
21 required to retain a minimum membership of twenty.

22 Of course, prior to the amendment to this constitution
23 in 1962 the minimum membership was fifteen. Of course
24 Port Weller-Sarnia membership qualified at that time.

25 Q. And since its formation has it fallen
26 below fifteen?

27 A. No, not to my knowledge.

28 Q. Would someone from your organization
29 attend at times to insure that the provisions of the
30 constitution are adhered to by the local Council?

A. Not necessarily.



1 English

2 Q. Not necessarily. In the particular case
3 which interests us has it been done?

4 A. No. Our regional representative visits
5 these local councils from time to time but it is not a
6 visit to make certain things are running properly,
7 simply a visit to acquaint himself with any of the
8 problems they might have in that area.

9 Q. These elections to which you refer, are
10 they by secret ballot?

11 A. Yes, they are.

12 Q. Or show of hands?

13 A. Secret ballot.

14

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1 Usually we have a mutual observer
2 at the elections. In most cases our Regional
3 Representative attends.

4 Q As an observer?

5 A Yes. He does not participate in any
6 of the council functions except to act in these cases
7 as the Chairman of an election.

8 Q You mentioned also a Secretary
9 Treasurer as one of the officers. May I assume this
10 council has funds?

11 A Yes.

12 Q Will you tell us what dues are levied
13 on the members?

14 A Minimum levy of ninety cents per
15 month.

16 Q Twelve months a year?

17 A Yes. No, I'm sorry. Only during the
18 full working period.

19 Q Ninety cents a month during the full
20 working period? You say this is a minimum?

21 A Yes.

22 Q What has been in fact the levy?

23 A I believe Port Weller- Sarnia Council
24 is paying \$2.00 a month. Yes. \$2.00

25 Q Perhaps we will ask them later on?

26 A Yes, \$2.00 a month. The national
27 office I might say are required to keep seventy cents
28 per month per capita. They refund the balance.

29 Q The membership pays a minimum of
30 ninety cents?



1 A Yes.

2 Q And out of the ninety cents, seventy
3 cents goes to your central organization in Ottawa;
4 is the correct?

5 A Yes.

6 Q And they retain twenty cents?

7 A Yes.

8 Q What may they do with these funds?

9 A Anything they wish.

10 Q No restrictions?

11 A No.

12 Q Do they have to account yearly for
13 the use of the funds to their members?

14 A Yes, they have to provide the national
15 office annually with an audited statement of their
16 revenues and expenditures.

17 Q There is no restriction at all on the
18 use to which they put this fund?

19 A No, we place no particular restriction.

20 Q You could have a New Year's Eve
21 Party or something?

22 A Yes.

23 Q This brief which has been filed as
24 Exhibit 1003, by whom was it prepared?

25 A By myself.

26 Q How did you proceed to prepare it?

27 A Well, in recent years we have had
28 several resolutions, emanating from the pilots
29 which have been dealt with at regional and national
30 conventions.



1 Q I'm sorry. You say resolutions; there-
2 for the Association, this Council, would keep minutes?

3 A Yes, I would think they had minutes.

4 Q They would have a minute book?

5 A I would think so.

6 Q Proceed, please.

7 A The Association have regional
8 conventions every two years followed by a national
9 convention which also takes place every two years.
10 The Pilots, as I have indicated, have forwarded
11 resolutions on various aspects of their conditions
12 of employment, and on several occasions they have
13 indicated that they would like to remain as employees
14 of the public service.

15 Q I see.

16 A This is the basis of our brief.

17 Q Prior to its being forwarded to the
18 Commission was it submitted to the membership?

19 A It was discussed with the member-
20 ship prior to its being drafted, yes. Not the member-
21 ship at large, I might say, but the executive officers
22 of the local council.

23 Q You don't know whether it was then
24 discussed by the executive with the membership?

25 A I don't know.

26 Q Was the brief also discussed with
27 Corporation of Professional Great Lakes Pilots?

28 A Not to my knowledge.

29 Q I refer you to section two of your
30 brief which quotes from section three of your



1 constitution, particularly to the second
2 paragraph of subsection one, which refers to no
3 rating agreements entered into as between the Civil
4 Service Association of Canada and other Associations
5 or Organizations.

6 Is there no rating agreement between your
7 association and the Corporation of Professional Great
8 Lakes Pilots?

9 A No.

10 Q Was any such agreement ever sought?

11 A Not to my knowledge.

12 Q Is there any rating which occurs?

13 A I do not think there has been any
14 significant rating or any deliberate rating.

15 Q To the best of your knowledge is
16 there what might be called dual membership?

17 A There very well could be.

18 Q In the Civil Service Association and
19 the Corporation?

20 A There could be. I am not aware of
21 any.

22 Q Your Association has no objection to
23 this dual membership?

24 A Not a bit.

25 Q Now, paragraph three entitled
26 Summary of Recommendations states that all pilotage
27 in Canada should be part of the public service, and
28 that a special agency of the Crown should be formed
29 to control and administer all aspects of Pilotage.

30 Would you care to elaborate on this



1 recommendation, please?

2 A Well, first of all, as I have said
3 before, our membership has indicated to us that they
4 would like to remain under the aegis of the government
5 service.

6 Q Have they stated why?

7 A Yes, they have. For economic and
8 for security reasons are the main reasons why. They
9 are quite happy with the conditions -- some of the
10 conditions of employment. Not all.

11 Q I see.

12 A Secondly the reason why we have
13 recommended that an agency of the Crown be responsible--

14 Q I'm sorry, you are moving a little
15 too fast for me. You said all pilotage in Canada
16 is the wish of your membership to remain public
17 servants. I can understand a recommendation that they
18 remain public servants but I would like to know the
19 basis of your recommendation that all pilotage in Canada
20 be under the public service.

21 A Well, we feel that pilotage in Canada
22 is one operation, as such. Similar to other areas in
23 the transportation industry, and therefore, we feel
24 that it should be controlled or it should be
25 administered by one Crown Agency. For this we also
26 recommend, side by side with that recommendation, that
27 they be given the opportunity that they bargain
28 collectively with its employer.

29 Q So that is your reason to create a
30 Crown Agency, so that there could be collective



1 bargaining

2 A Yes, apparently.

3 COMMISSIONER SMITH: Would you press that point in
4 the face of opposition from pilotage districts who do
5 not want to enter the Civil Service.

6 THE WITNESS: Yes, if, of course, it was
7 indicated that a majority of pilots in Canada would
8 not want this type of employer, then of course, we
9 could only say they we would like this type of employ-
10 ment for our own members.

11 Q Have you canvassed the pilots in the
12 rest of Canada?

13 A No.

14 Q Are you aware that there were offers
15 of becoming public servants made to the Halifax Pilots
16 some years ago?

17 A No.

18 Q You are not aware of that? Would you
19 explain to us or elaborate further what would be the
20 consequences of setting up a Crown Agency to administer
21 pilotage.

22 A Well, the only aspect of this that
23 we are really interested in is the economic welfare of
24 the pilots for themselves. With this in mind we feel
25 that they should be given rights under the Industrial
26 Relations and Disputes Investigation Act to bargain
27 collectively with the Crown Agency in question.
28 In this way they could set their own conditions or
29 at least they could themselves attempt to set their
30 own conditions of employment and their own salaries.



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Tombs, dir-ex
(Jacques)

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1 Q I see. Does that entail the right to
2 strike?

3 A Yes.

4 Q Have you studied this problem of the
5 right to strike for pilots?

6 A I haven't studied it specifically
7 with respect to pilots, but I have had some studies
8 with respect to other groups of employees.

9 Q But with respect to pilots, would
10 you say that they should be entitled to the right
11 to strike?

12 A Of course.

13 Q Wouldn't you think that the effect
14 of a strike, let us say, of the pilots between Montreal
15 and Kingston would be too far reaching to be allowed?

16 A No more far reaching than a strike of
17 the Canadian National Railroad or the Canadian Pacific
18 Railroad.

19 Q Now, sir, paragraph 4 of your brief
20 reads in part as follows: Since 1959 we have in effect
21 acted as Agents for the majority of pilots in the Port-
22 Weller - Sarnia District, and have helped them materially
23 improve their salaries and conditions of employment.

24 Would you tell us what was, say, requested,
25 what was achieved and what was not achieved?

26 A We have presented various submissions,
27 memoranda, to the Department of Transport since 1960.

28 Q Would you have copies of these memoranda?

29 A Yes, I have some here.

30 MR. JACQUES: I should like, my lord, to file



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1 in a bundle several memos addressed by the
2 Civil Service Association of Canada to the Department
3 of Transport, which will include the following:

4 The first one, dated February, 1964,
5 the second one, January 19th, 1962, the third one
6 February 28th, 1962, the fourth one October 19th,
7 1961, the fifth one, August, 1961, and the sixth one,
8 December, 1960.

9 Q Referring to these documents in the
10 reverse order in which they were filed, that is,
11 starting in 1960, would you summarize the request that
12 you made to the D. O. T. and the results that you
13 obtained? I'm sorry, these documents will be filed
14 in a bundle as Exhibit NO.

15 The Secretary: 1128

16 EXHIBIT No: 1128 : Documents dated respectively:
17 December, 1960
18 August, 1961
19 October 19th, 1961
20 February 28th, 1962
21 January 19th, 1962
22 February, 1964.

23 THE WITNESS: The first brief in 1960 was
24 a brief dealing with a submission from all pilots with
25 respect to hours of work, overload, extreme hours of
26 working conditions, expense accounts, time off between
27 trips, and a number of technical matters which are not
28 listed here.

29 A report was made to the general membership
30 in which it was indicated that the Department of
Transport had taken the matters under consideration,
and that they were attempting to ameliorate the
situation, especially with respect to hours of work and



1 time off between trips. These were the two
2 most important matters that we were dealing with at that
3 time.

4 Q That was in December, 1960, your
5 request was taken into consideration by the Department
6 of Transport, and when was action taken, if any, on the
7 various requests which you have outlined?

8 A Well, action was taken almost immediately
9 to ^{to}try alleviate these problems. I couldn't say that
10 immediate relief was noticed. However, it did happen
11 over a period of time.

12 Q When you say over a period of time,
13 was that a period of days, months or years?

14 A I would ^{say} relief has been noticed on a
15 gradual basis over the last few years.

16 Q Your next report is that of August,
17 1961.

18 A Again in August of 1961 we dealt
19 predominantly with the matter of tours of duty, rest
20 periods, travel time between ports and the present
21 method of processing expense accounts.

22 Q Some of the items which you have just
23 mentioned were already mentioned for 1960. Why were
24 they brought up again?

25 A I would think that the pilots were
26 still not satisfied with the conditions of employment
27 at that time. They were still overworked.

28 Q You don't know whether matters had
29 improved or they had improved and the pilots were not
30 satisfied with the improvements and wanted a further



1 improvement or perhaps matters had not
2 improved at all?

3 A The Department had reported to us
4 that they had attempted to improve the situation.
5 I would not like to go into too much detail with the
6 technical aspects of the situation at that time, but
7 I am certain that it was because of the equalization
8 agreement between the Canadian Government and the
9 United States Government, and the fact that the
10 Canadian Government could not put ^{more} any/pilots on
11 strength at that particular time.



C-1 April 9th.

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Tombs
dir-ex
(Jacque)

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1 However, we did make a statment during that
2 period that the Department of Transport take on
3 retired pilots as relief pilots during a period when
4 some of the regular pilots were off sick or absent
5 from duty and this did alleviate the situation somewhat.

6 Q To the best of your knowledge the
7 Department did in fact take on retired pilots?

8 A They did in one year that I know of.

9 Q I see. Are you aware that the
10 Corporation of Professional Great Lakes Pilots
11 presented memos to the Department on the same subject
12 matters?

13 A I have never seen any Great Lakes
14 Pilot Corporation memos, but I heard that they were
15 presenting similar types of memos that we were presenting.

16 Q And your paths never met?

17 A No.

18 Q In the corridors of the Department
19 of Transport in Ottawa?

20 A It must have been on different dates.

21 Q Perhaps the dates were carefully
22 selected?

23 MR.. LALONDE: Or different floors.

24 THE WITNESS: They were not carefully
25 selected by the Association, I can tell you.

26 MR. JACQUES: As regards the 1961 memo
27 what sort of results did you obtain?

28 A This was the start of the period
29 during which the Department attempted to give the
30 pilots at that time a substantial rest between trips.



C-2 April 9th

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(Jacques)

1 We had recommended at that time that a
2 minimum period of 24 hours off duty exclusive of
3 travelling time be provided to every pilot on completion
4 of the normal assignment.

5 It was following this brief, this memorandum
6 that the Department of Transport did introduce a
7 mandatory twelve-hour rest period. They did not
8 agree/our 24-hour suggestion, but they did agree that
9 there should be a mandatory rest period, and they did
10 introduce it at that time.

11 Q Prior to the introduction of the
12 rest period do you know whether there were any set
13 or official rest periods granted to pilots?

14 A Pardon me?

15 Q Do you know if prior to this twelve-
16 hour rest period which you have just mentioned, there
17 was a rule to the effect that the pilots had to have
18 a certain number of hours of rest between trips?

19 A Not to my knowledge.

20 Q Have you any further comments to
21 offer on your 1961 brief?

22 A No. The only other comment I have to
23 make is that the system of collecting expenses at that
24 time was a rather lackadasical affair and we made strong
25 representations to the Department to straighten this
26 matter out administratively, which they did. They
27 devised a system which the pilots accepted and are
28 now quite satisfied with.

29 Q I see. Now may we return to your
30 memo of October 19th, 1961?



1 A This is a memo that we put out to
2 our pilots, which actually reported on results gained
3 from our previous memorandum to the Department of
4 Transport.

5 Q The August one which we have just
6 discussed?

7 A Yes. This indicated to the membership
8 that the Department is endeavouring to put in a system
9 whereby under normal circumstances pilots will be given
10 24 hours off between normal tours of duty. This was our
11 understanding at that time.

12 Q Yes?

13 A And that the new system permits the
14 pilots not to go aboard ships until the ships are
15 ready to pass the locks. This, of course, would
16 eliminate the time lost at anchor or in port while
17 aboard ships.

18 Q With respect to expense accounts,
19 what was the result?

20 A The result was that cheques for
21 \$50.00 were sent out to all the pilots and further
22 cheques were issued. This was in 1961.

23 Q What was that for?

24 A So that the pilots would not be
25 spending their own money while they were on the road
26 and travelling. They would be spending the Government's
27 money rather than their own.

28 Q You mean they got an advance on
29 account of their travelling expenses?

30 A Yes. However, they still had to submit



1 expense vouchers in accordance with the
2 regulations.

3 Q I see.

4 A I think that is the extent of the
5 1961 ones.

6 Q The next memo is dated January 19th,
7 1962.

8 A Yes. There were a number of matters
9 that we presented in 1962.

10 Q Would you outline them, please?

11 A Yes. The first one was that each
12 ship requiring a pilot coming into the district give
13 the Port Weller - Sarnia Pilotage Office not less than
14 a twelve-hour estimated time of arrival. This would
15 give the pilots sufficient time to govern their activities
16 so that they would be properly rested when called out.

17 Q Was that in fact carried into effect?

18 A Yes. That was agreed to by the
19 Department and they promised that they would do every-
20 thing possible to implement that suggestion during that
21 season of 1962.

22 It was strongly recommended again that
23 all pilots receive a definite rest period of not less
24 than 24 hours off between ships at each end of the
25 district.

26 The Department advised us at that time
27 that a new staffing formula was to be put into operation
28 that year based on a 50-hour week and it was anticipated
29 that this would even the work load among all pilots.
30



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April 9th

Tombs dire-ex
(Jacques) 15829

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1 Q I see. Do you know if that was
2 carried into effect?

3 A Yes, I believe it was.

4 Q How was it carried into effect, if you
5 know?

6 A I believe the Supervising Pilot was
7 instructed to place all pilots on a rotational system
8 and given an instruction that wherever possible the
9 longest possible rest period be given to the pilots
10 coming off duty.

11 Q There was yet no assurance of a 24-
12 hour rest period?

13 A No, there was no guarantee. Let us
14 say that the Department did instruct its Supervisory
15 Pilots that wherever possible they should strive for
16 a 24-hour rest period.

17 Q I see. What was the next item, Mr.
18 Tombs?

19 A We recommended that all pilots receive
20 12 hours off after having to travel to a pilotage
21 station, Port Weller or Sarnia by surface
22 transportation to board a vessel preparatory to taking
23 it either up or down the system.

24 Q Why was that?

25 A This was a factor of working conditions
26 that the pilots felt was unfair. Sometimes they would
27 come in off a trip and have to travel by train or bus.
28 They felt they deserved a rest after coming off an
29 assignment and having to travel all these hours.

30 Q I see, and was that granted?



1 A The Department felt that their
2 instructions with respect to the estimated time of
3 arrival would eliminate this problem.

4 Q Do you know if it in fact did eliminate
5 the problem?

6 A I do not know. I imagine it did do
7 something towards improving it.

8 Q Has your membership reported on it?

9 A Yes, they said it did improve the
10 situation.

11 Q The next item, if you please?

12 A We recommended that if a pilot has
13 taken a vessel at the Welland Canal he should be
14 relieved at lock 8 and after having had his rest period
15 he should then take a vessel in either direction according
16 to the exigencies of the service.

17 Q Is that a 24-hour or a 12-hour rest
18 period?

19 A As much as we can get.

20 Q Why lock 8? We were told that
21 relieving took place at lock 7. Why do you ask for
22 lock 8?

23 A Relieving did not take place at that
24 time at lock 7.

25 Q In 1962?

26 A Yes. The result of the relief at
27 lock 7 we are led to believe -- at least we hope
28 that this is the fact -- was because of our suggestion
29 that a relief provided at lock 8. The Department of
30 Transport I think decided it should be Lock 7.



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April 9th

Tombs dir -ex
(Jacques)

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1 Q But why had you suggested Lock 8?

2 A We thought this was a suitable location
3 to take the period of rest.

4 Q Would you pass on to the next item,
5 please?

6 A Yes. It is that a complete review of
7 the expense accounting system be instituted and after
8 such a review a system be evolved where it is possible
9 to pay these accounts with a minimum of delay. Some
10 of the pilots were experiencing some lengthy delays
11 in receiving their expense cheques.

12 Q Did you check whether it was not the
13 pilots' fault because they did not fill in the expense
14 accounts properly?

15 A This was the answer given to us by the
16 Department of Transport.

17 Q Did you check into that to see whether
18 this answer was correct?

19 A Yes, we did and in some cases it was
20 correct and in others it was simply an administrative
21 delay.

22 The Association suggested the Department of
23 Transport make it mandatory for all foreign flag ships
24 to have a registered pilot from No. 2 pilotage district
25 board the vessel upon entering the District.

26 Q What was the Department's answer to
27 that?

28 A The Department's answer said that The
29 Shipping Act specified that it was not an offence to
30 proceed if the vessel is informed that no pilots are



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April 9th

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(Jacques) 15832

1 available.

2 We also suggested there should not be
3 any waivers granted to masters of foreign vessels for
4 passage through District 2 under any circumstances.

5 Q Were waivers granted by the Department?

6 A This has to do with item number 6 which
7 I have just explained and in which we suggested that
8 all foreign flag ships should have a registered pilot.
9 The same answer prevailed, that The Shipping Act does
10 not specify that it is an offence to proceed with the
11 vessel if it is informed that a pilot is not available.

12 Q Yes?

13 A We asked that the Department of Transport
14 approach the joint committee on pilotage and press for
15 a firm regulation that the 50-50 agreement be adhered
16 to and further in the case of the shortage of pilots
17 American pilots be employed to more fully facilitate the
18 equalization. Where it was not possible to recruit
19 sufficient American Pilots we would then suggest considera-
20 tion be given to the employing of retired District No.
21 2 Canadian Pilots.

22 Q What is this joint committee to which
23 you have referred -- the joint committee on pilotage?

24 A I believe it is a committee of the
25 Department of Transport and the employing department
26 in the United States.

27 Q I see, and what was the result?

28 A The Department agreed with the first
29 part of our suggestion and said they would take a definite
30 stand. The United States pilots are not filling vacancies.



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April 9th Tombs dir-ex
(Jacques) 15833

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1 However, it was explained the 50-50 arrangement covers
2 all three districts in total and is not confined to a
3 single district. The Department does not use retired
4 Canadian Pilots when there is a shortage, but these men
5 are given some preference.

6 It was suggested also a duty roster board
7 be placed in the Port Weller and Sarnia Offices showing
8 the location and complete roster of pilots on hand in
9 the district. This board should also show those pilots
10 who have booked off ill or have become unavailable.

11 Q Was that done? I believe it was because
12 we have seen it.

13 A Yes; it was implemented by the
14 Department in that district.

15 It was suggested the pilots of District 2
16 be required to only operate within the confines of this
17 District -- That is, the Port Weller - Sarnia District.
18 It was explained to us under the present bilateral
19 agreement this was not possible.

20 Q Would you say that again, please?
21 You asked that the?

22 A ^{of} Pilots/District No. 2 be required to
23 only operate within the confines of this District --
24 that is, the Port Weller - Sarnia.

25 Q From Port Weller to Sarnia and vice
26 versa, of course?

27 A Yes.

28 Q And the answer was what?

29 A That under the present bilateral
30 agreement this was not possible, but it was hoped that



1 it would eventually come about after considerable
2 more experience on the Seaway.

3 Q I see. Would you continue, please?

4 MR. LALONDE: May I have the answer
5 to the 50-50 pilotage agreement when you were told that
6 the D. A. T. does not use retired pilots but ---?
7 What did you give as an answer?

8 THE WITNESS: The Department explained
9 that they did not use retired pilots when there is a
10 shortage. In other words when there is a shortage on
11 either side they do not use them, but these men are
12 given some preference if a man is off ill or --

13 THE CHAIRMAN: As a relief pilot?

14 THE WITNESS: Yes, as a relief pilot.

15 MR. JACQUES: Q. Yes?

16 A We asked that the Department of Transport
17 exercise more firmness in the application of the rules
18 and regulations governing the placing of pilots aboard
19 vessels.

20 Q Do you know whey that request was made,
21 the reason for it?

22 A I really cannot remember now. However,
23 they did agree with this and said that they would take
24 steps to correct this. It was suggested that a roster
25 of over-age Canadian Pilots be implemented placing those
26 pilots who wish to work on duty for the purpose of
27 bringing vessels into Port Weller harbour and to the
28 entrance of Lock 1, at which time a regular pilot would
29 board the vessel and take her up the canal. With the
30 use of this system it would ensure that a vessel would
not lose her turn in canaling and would facilitate the



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April 9th.

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Tombs dir-ex
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1 flow of traffic, as well as insuring that a pilot would
2 not spend hours sitting at anchor or on the wall, as
3 well as giving some small remuneration to retired
4 pilots.

5 Q What was the Department's reply to
6 this suggestion?

7 A As far as sitting at anchor is concerned
8 the Department were taking steps to correct this situation
9 they expressed a good deal of sympathy with our suggestion
10 with respect to retired pilots, in that they will
11 continue to give them every consideration where work
12 is available.

13 Q But there was no guarantee that they
14 would set up the system which you suggested?

15 A No.

16 Q That the over-aged pilots or, say,
17 the pilots who are older than 60 I believe?

18 A Yes.

19 Q Sixty-five I am told -- should become
20 harbour pilots?

21

22

23

24

25

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27

28

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30



1 English

2 A. No.

3 Q. I see.

4 A. It was suggested if a pilot has to join
5 a vessel prior to receiving 24 hour rest period he
6 should be reimbursed with a leave, covering the period
7 of time he is short in his rest period.

8 Q. He would be receiving leave time in lieu
9 of overtime. He would not be paid overtime. This would
10 be in lieu of payment of overtime?

11 A. That is right.

12 Q. That would be added on to his leave pay
13 at the end of the year?

14 A. Yes.

15 Q. What was the Department's reply?

16 A. Not satisfactory.

17 Q. That was the reply of the Department?

18 A. The Department promised to consider it
19 but we have had no further word on their consideration
20 of the matter.

21 Q. It was when you suggested that?

22 A. 1962.

23 Q. Have you taken up the matter again with
24 the Department?

25 A. I don't think so because I believe another
26 system was introduced subsequent to that.

27 Q. What is the next recommendation?

28 A. We asked that two consecutive days leave
29 per month be granted and taken at the discretion of the
30 Supervisor.



1 English

2 Q. Your opposite organization had asked
3 for four days and the pilots, I believe, obtained three
4 days?

5 A. We were starting low and hoped to increase
6 it. Some people start high and it is naturally
7 reduced.

8 Q. Both attitudes are valid!

9 A. The answer to that, of course, was in
10 conjunction with the new staffing formula which the
11 Department were introducing and it was hoped
12 scheduled rest periods would be implemented. This is
13 the goal the Department strove for at that particular
14 time and they expressed the hope that our Association
15 members would endeavour to cooperate in trying to make
16 the new system work.

17 We recommended that the rules and
18 regulations governing working conditions and other areas
19 of employment be placed in written form and issued to
20 each pilot at the commencement of navigation each
21 season. We further suggested that a representative
22 of the pilots be permitted to assist the Department in
23 the preparation of this document.

24 The Department told us that this policy
25 was in effect now but if anyone has any suggestions
26 as to how this could be improved the Department would
27 be willing to cooperate.

28 Q. Did they not assure you that pilots would
29 be permitted to take part in the drafting of these rules?

30 A. No. We recommended that amber lights be



1 English

2 placed at the upper approaches to Locks #1, 2, 3 and 7,
3 where they will be clearly visible to a downbound
4 vessel and that these lights be of a flashing type when
5 Locks #1, 2, 3 and 7 are being filled.

6 The Department promised to investigate
7 this and will make necessary arrangements to improve
8 the situation if our complaints are justified. I don't
9 know if that situation was improved.

10 We recommended that the Department re-
11 issue the Notice to Mariners requiring a vessel to have
12 her accommodation ladder rigged for a pilot to board.

13 Q. I believe there is evidence it was
14 re-issued in fact?

15 A. Yes. We issued a note of commendation
16 to the Department here for improvements which we had
17 suggested earlier, one of which was the placing of
18 wooden rubbing strakes on the walls of some of the
19 approaches to some locks and we would recommend that
20 wooden rubbing strakes be placed on the east wall
21 downbound from Bridge 21 to Lock #8. We further
22 recommended that wooden rubbing strakes be placed on
23 the east and west walls below Lock #8, and on the west
24 wall above Lock #7.

25 This, of course, is a Seaway Authority
26 matter but the Department did, I understand, write to the
27 Seaway asking for them to investigate this matter.

28 We recommended at that time that the
29 Department of Labour review the rates of compensation
30 to pilots with a view to revising them upwards so as to



1 English

2 provide for a payment of \$12,000.00 for the navigation
3 season spread over 24 equal instalments in an amount of
4 not less than \$500.00 per instalment.

5 Q. That was an increase in pay?

6 A. Yes. The Department of Transport referred
7 the matter to the Department of Labour to review the
8 rates and subsequently, of course, there was an increase.

9 Q. How long afterwards, do you recall?

10 A. No, I can't recall exactly.

11 Q. But there was an increase?

12 A. Yes.

13 Q. The increase was up to \$12,000.00 a year?

14 A. It was not on the same basis we asked
15 for. We had asked for a rate of \$12,000.00 for the
16 navigation season spread over 24 equal instalments.
17 I believe the pilots indicated if this was not possible
18 it should be more.

19 Q. What should be more? More instalments
20 or more money?

21 A. The rate for the whole navigation season.
22 That concludes that.

23 Q. That covers your memo of 1962?

24 A. Here is a letter.

25 MR. JACQUES: My Lord, I should like to
26 attach to the memo of January, 1962 a copy of a letter
27 dated March 30, 1962 addressed to Captain Welland,
28 Secretary-Treasurer, Local Council, Civil Service
29 Association of Canada by Captain F. S. Slocombe, Chief,
30 Nautical and Pilotage Division.



1 English

2 Q. Now, would you go through your memo of
3 1964?

4 A. Yes. We submitted a brief to the
5 Department of Transport. The first question dealt with
6 the proposition that the first pilot on turn should take
7 the first ship and start not as per estimated time of
8 arrival from agents.

9 The Department agreed with this proposition
10 that the first pilot on turn should take the first ship
11 and intended to discuss this with the United States
12 authorities and enforce by some means the provision of
13 estimated times of arrival.

14 We asked that 24 hours be given as a rest
15 period after completion of the assignment. The
16 Department did not commit themselves to providing a clear
17 24 hours as a rest period after completion of assignment.
18 We had previously asked 12 hours and now increased our
19 request to 24.

20 We asked that the Department deduct
21 Ontario Hospital payments for a full twelve months,
22 take the payments for the winter months from the last
23 pay.

24 Q. Why was that?

25 A. Because when the pilots go off duty at
26 the end of the navigation season they have to provide the
27 Ontario Hospital Commission with the payments from their
28 own funds. They have to cover the period they are not
29 working.

30 Q. During the year who pays that?



English

A. They pay it themselves. It is deducted from pay.

We also asked that the group medical-surgical plan be deducted in the same manner. The Department explained that the reason why deductions have not been made on a 12 months basis is because the Central Pay Office in Ottawa do not have equipment to supply such a service. They do not have the accounting and financial equipment. In order to alleviate this problem the Department have agreed to make available the necessary forms for immediate filing at the close of the season. Apparently this has not been done in previous years. These forms were not available immediately and sometimes the pilots ran the risk of not fulfilling their obligation to pay these premiums.

Q. The answer was they did not have the equipment?

A. Yes.

Q. Why equipment?

A. In order to make pay deductions from cheques on a nine or ten months basis instead of a twelve months basis the Central Pay Office in Ottawa would have to have special equipment to do this. It is all done by machine. It is not done by hand. They didn't have this type of equipment to make these deductions from pay during the regular navigation season.

Q. I see.

A. We recommended to the Department that they enforce the rule that it is the duty and responsi-



1 English

2 bility of District #2 pilots to pilot ships of foreign
3 registry in and out of Port Weller and Port Colborne
4 harbours.

5 The Department promised to approach
6 the Seaway Authority and refer to this request that it
7 is the pilot's responsibility to pilot ships of foreign
8 registry in and out of Port Weller and Port Colborne
9 harbours. They stressed the fact there was no intention
10 of allowing the loss of the pilot boat at Port Weller.

11 Q. Will you say that again?

12 A. The Department also stressed that they
13 had no intention of allowing the loss of the pilot boat
14 at Port Weller.

15 Q. Does that mean they would not think of
16 doing away with the pilot boat?

17 A. That is right, at Port Weller.

18 Q. And this reply was obtained when, roughly?

19 A. In February of this year.

20 Q. February, 1964?

21 A. Yes.

22 Q. Were you present when this brief was
23 discussed?

24 A. Yes, I was.

25 Q. Would you please continue?

26 A. Again we suggested that when pilots
27 travel from Port Weller to Sarnia or vice versa they
28 should receive 12 hours rest before going on duty. That
29 is after the travel period. The Department's answer
30 to this was they felt it is the fault of the dispatching



English

and the lack of estimated time of arrival. They intend to follow this up and suggested at one point that a Chief Dispatcher might be the answer to this problem.

We asked that any holiday granted should start after the pilot has received and completed 12 hours rest. No holiday should start between the hours of midnight and six A.M. We are saying a holiday should not start when a pilot is on call. In other words, when he comes off an assignment and has his rest period then he should be told he is now on his three days monthly rest period. The Department agreed with this that the three day rest period should not be retroactive. In other words, some of it should not be eaten up during the rest period.

They intended to see to it when a pilot is notified that he is on a three day rest period, the period will commence from the time of notification.

It is recommended that relief at Lock 7 be made compulsory on District 2 pilots throughout the season. I believe this makes reference to the fact that the season for the Seaway itself starts on the 15th. I think they were referring to the short period of time between April 1st and the official opening of navigation on the 15th, and also making reference to the closing of navigation and any ship that is going through the locks after that period of time.

The Department agreed there should be relief at Lock 7 at all times in or out of season. They will follow this matter up and at the same time review



1 English

2 the traffic density in the Welland Canal before and
3 after the Seaway season.

4 We recommended to the Department of
5 Transport that the Telecommunications Branch see that
6 the radio-telephones for transit through the Seaway
7 and Great Lakes system are properly and efficiently
8 installed with proper and efficient equipment.

9 The Department expressed a great deal of
10 concern about this matter that radio-telephones were
11 not in good order on some ships and they are referring
12 the matter to the Telecommunications Branch for full
13 investigation.

14 It was recommended to maintain at least
15 one pilot in the ports of Cleveland, Toledo and Detroit
16 on a full time basis. The Department doubted the
17 feasibility of maintaining a pilot on a full time basis.
18 They feel that it is possible to maintain a dispatcher
19 in Detroit and they will discuss this in the near
20 future with the United States authority.

21 Q. I fail to see the need for a dispatcher
22 instead of a pilot.

23 A. They feel this would alleviate the
24 problem, perhaps keep a pilot on a ship for a day or
25 two in these ports.

26 Q. The dispatcher would be free to look
27 after the pilots arriving in those ports?

28 A. Yes.

29 Q. I see.

30 A. We recommended that the Department of



English

Transport request the Department of Labour to review the wages being paid District #2 pilots with the intention of increasing that due to the rising cost of living in general and putting same on a twelve months basis. We understand that the Department of Labour are presently reviewing the rates of pay for pilotage in District #2.

We recommended that the Department of Transport put District #2 pilots on strength subject to the opening and closing dates of the Welland Ship Canal section of the Seaway due to the movement of foreign flag lake vessels as of April 1st.

Q. They are now put on pay on what date?

A. April 15th. The question of opening the Seaway season at the same time as Welland raised some doubts as to the economics of the situation. The Department doubted there was sufficient traffic to put all District 2 pilots on the payroll at that time. They did feel that the answer to the question on the Lock 7 matter will meet this problem.



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(Jacque)

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1 Q With regard to the request for increase
2 in pay, were you told or advised what steps the Department
3 of Labour would take after its investigation or its
4 study?

5 A While, the policy of determining rates
6 of pay for those employees who are governed by the
7 prevailing rates of pay, general regulations are pretty
8 well standard. The Department of Labour review the
9 rates of pay being paid to other pilots in the area,
10 in the immediate or adjoining areas, and if they find
11 that the other pilots -- I would think that they would
12 review the wages being paid to the United States Pilots,
13 income being received by the United States Pilots; they
14 would also look at the wages being paid to pilots in other
15 districts.

16 They then make an evaluation and decide
17 whether or not the pilots in District No.2 should
18 receive an increase in pay. When they finish this
19 evaluation, they then submit their recommendation to
20 the Department of Transport, who in turn seek approval
21 of the Treasury Board to implement the increase.

22 Q If the result of the study is that
23 say the District 2 pilots are not paid on the same level
24 as the other pilots, they would recommend an increase?

25 A Yes.

26 Q And if they find the pilots are paid
27 on a higher level than the other pilots, would they
28 recommend a decrease?

29 A No. At least it has not been known.
30



1 Q. This never happened in your experience?

2 A. No.

3 Q. Have you finished the recommendations
4 of February 19, 1964?

5 A. Yes.

6 COMMISSIONER SMITH: Mr. Tombs, during the
7 pause here I would like to ask you this question: What is
8 the policy of your Association with regard to strikes
9 against the Crown, emanations of the Crown, Crown
10 agencies and other Crown set-ups? Would you explain
11 what your policy is?

12 THE WITNESS: Yes. With respect to people
13 coming under the Crown Agency System of Government, that
14 is to say they have the right under the Industrial
15 Relations and the Disputes Investigation Act to bargain
16 collectively with their employer; we feel that they
17 should retain the right to strike.

18 However, in other public service activities
19 we have agreed with other government staff associations
20 to forego the right to strike providing that we obtain
21 a system of collective bargaining that both sides --
22 both management and employee agree to a system of
23 arbitration.

24 THE CHAIRMAN: Compulsory?

25 THE WITNESS: We don't like to call it
26 compulsory. We like to call it a system of agreeable
27 arbitration. That is to say, both sides have agreed
28 before hand.

29 COMMISSIONER SMITH: Voluntarily?

30



1 THE WITNESS: To the results of an
2 arbitration tribunal. It is a voluntary arbitration.
3 That is the word I was looking for.

4 MR. JACQUES: Contractual?

5 THE WITNESS: Yes.

6 THE CHAIRMAN: But the finding is binding;
7 the sentence is binding?

8 THE WITNESS: Yes, with the exception, of
9 course, that it would always be subject to the will of
10 Parliament.

11 COMMISSIONER SMITH: With what main Crown
12 set-ups do you have the bargaining agreement?

13 THE WITNESS: At the present time we bargain
14 for United in National Harbours Board, The Eldorado Mining
15 and Refining Company, and Central Mortgage and Housing
16 Corporation.

17 COMMISSIONER SMITH: When you say you bargain
18 with the Units of the National Harbours Board, that would
19 be a National Harbours Board Association separated from
20 the board itself?

21 THE WITNESS: These are employees of the
22 National Harbours Board who are members of our Association.
23 For example, we have two bargaining units in Prescott,
24 Ontario, one in Quebec City and one in Churchill.

25 THE CHAIRMAN: What would your policy be
26 with regard, we will call it to cessation of work in
27 the National Harbours Board set-up?

28 THE WITNESS: Of course, they come under
29 different legislation. They are governed by their
30 contract that they have made with their employer.



1 They are also administered by the Industrial Relations and
2 Disputes Investi-
gation Act, which gives them the right to strike
3 in the event of a dispute. However, we do go through
4 normal channels of conciliation and arbitration.

5 COMMISSIONER SMITH: Thank you.

6 MR. CHAIRMAN: We will adjourn now for 10
7 minutes.

8 SHORT ADJOURNMENT:

9 BY MR. JACQUES:

10 Q. Reverting back to the way
11 the Labour calculates whatever rate they should pay,
12 do you know whether they take into consideration the
13 take-home pay of pilots who are working under pool
14 agreements or pooled revenue?

15 A They take into consideration all
16 incomes received by pilots in the area.

17 Q Are you aware of the way the pool
18 system works?

19 A I have a vague idea. I really don't
20 know.

21 Q It works approximately this way:
22 Pilotage dues are collected by an Association.
23 Operating expenses and other expenses are deducted from
24 the revenue, and then the balance is divided among the
25 pilots according to scale which varies perhaps from one
26 district to the other?

27 A Yes.

28 Q Now, would the Labour Department take
29 into account the gross revenue of the pool or the take-
30 home pay of the pilot?



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(Jacques)

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1 A The take-home pay of the pilot.

2 THE CHAIRMAN: I suppose prior to personal
3 deductions for pension.

4 THE WITNESS: Yes. His gross income.

5 MR. JACQUES: I might state on this point,
6 my lord, when we are sitting in Ottawa in September,
7 the people from the Labour Department will be called
8 and will explain how this thing works.

9 THE CHAIRMAN: Yes.

10 MR. JACQUES Q. What sort of reception do you
11 have when you present briefs to the Department of
12 Transport?

13 A I would say quite cordial. We deal
14 with the Department of Transport in matters other than
15 pilotage. We deal with them with respect to their
16 employees in other branches of the Department of
17 Transport. Therefore, we are continually making
18 representations on behalf of Government employees.
19 Our relationship with the Department of Transport is
20 quite good. We are often frustrated.

21 Q What is that?

22 A I say we are often frustrated because
23 of the slowness of their ability to come to a decision.
24 However, this is normal government process. But
25 normally speaking we are on fairly good relationships
26 with all departments of government. Not only the
27 Department of Transport.

28 Q Does your Association represent the
29 officers of ice breakers?

30 A Yes, we have officers and crews of



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1 vessels, government vessels in our membership.

2 Q It was implied in the Corporation's
3 brief, Exhibit 1005, that the Department of Transport
4 officials, had fostered your organization or your council.

5 A I can't understand that statement at all.

6 Q Well, were you ever at anytime requested
7 by the Department of Transport officially or unofficially
8 or by any of its officers or even the rank and file to
9 set up a local council in St. Catharines for the Port
10 Weller - Sarnia pilots?

11 A I think I explained in the beginning
12 of this morning's hearing we were approached by pilots.

13 Q By pilots?

14 A Yes.

15 Q But this was not suggested to you
16 either before or after you were approached by the
17 pilots; this was not suggested to you by any of the
18 Department officials?

19 A It certainly was not suggested to me.

20 Q During your first contact with the
21 pilots were you requested to give them information on
22 their conditions of employment?

23 A Were we requested to give the pilots
24 information?

25 Q Yes, by the pilots? Did they ask you
26 to explain under what regulations they worked?

27 A Yes. We explained to them under what
28 regulations they were employed, under the prevailing
29 rates of pay, general regulations, and we explained some
30 of the aspects of the regulations to them.



1 Q Were you supplied with the documents
2 which were given to the pilots at the time of their
3 employment?

4 A I believe we did receive a copy, but
5 I haven't a copy on file at the moment. They were
6 working rules I believe.

7 Q I show you Exhibit 1011, entitled
8 "Information, Policies and Regulation for Ships, Pilots,
9 Port Weller - Sarnia Area" Have you ever seen this
10 document or a similar one?

11 A Yes.

12 Q Was this document supplied to you by
13 the pilots?

14 A I was shown a copy of the document.

15 Q Were you asked or was any of your
16 staff asked to explain the contents of the document
17 to the pilots?

18 A I can't recall that anybody in the
19 national office.---

20 Q Somebody at the local level
21 might have?

22 A Might have, yes.

23 Q Is there anything else you would like
24 to add to what has been said already, or make further
25 representation or bring to the attention of the
26 Commission?

27 A No, I think we have covered the points.

28 MR. JACQUES: Thank you, sir.

29 CROSS EXAMINATION BY MR. LALONDE:

30 Q Mr. Tombs, I understand that there



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1 might somebody else who would be able to provide
2 information as to the local working of the Association.

3 A Yes.

4 Q If you feel I ask you questions you
5 are not in a position to answer, please say so.

6 A Yes.

7 Q And we will postpone those questions.
8 You say that the Civil Service Association represents,
9 and I quote from your brief "A total of 15 persons
10 engaged in Pilotage in District 2 as pilots and
11 dispatchers". Do you have a list of members with you?

12 A I have a list of 14 at the moment.
13 There is one other name. I can't recall, but here
14 is a list of 14 people who are members of the Association.

15 MR. LALONDE: I see. This is a hand
16 written document, my lord. Do you want me to read into
17 the record the names?

18 THE CHAIRMAN: That is all right.

19 Q Would you mind reading the names of
20 the members and indicate those who are dispatchers in that
21 group?

22 A Yes. Captain Crawford.

23 Q Would you please give the first names
24 because some pilots have the same name.

25 A Captain L. H. Crawford. Captain V. W.
26 Cakes. Captain C. R. Welland. I think it is
27 A. R. Welland, I am sorry.

28 Q Yes?

29 A R. O. Welland. Captain S. Sisty.
30



1 Captain J. Leansy. Captain W. G. Simpson.
2 Captain S. Bell. Captain S. Gerrard. Captain J. Lowe.
3 Captain C. Sonnes, and the dispatchers I haven't their
4 initials.

5 Q Yes?

6 A Mr. Wilfred. Mr. Therien, and one
7 other dispatcher that I haven't the name.

8 Q There would be a total --

9 A Total of 14 here.

10 Q Out of which there are three dispatchers?

11 A Yes.

12 Q When did you check on this list?

13 A It was checked by my Regional Office
14 this morning.

15 Q I am informed that Captain Lowe has
16 resigned from your Association and sent in his
17 resignation. Did you check on this?

18 A I don't know. When did he send it
19 in? Would you have any idea?

20 Q I presume a week ago or so.

21 A Well, we would not have a record of it
22 at the moment.

23 Q You wouldn't have a record of it at
24 the moment?

25 A Resignations go through our Office
26 manager who processess them for the Department of
27 Transport, and it usually takes a month before these
28 things are processed.

29 Q Before you get it at the national
30 office?



1 A No, we get it at the National Office,
2 but our office manager at the national office would
3 know of it, but I wouldn't know of it.

4 Q I see.

5 A Until it comes through on paper.

6 Q You claim that there is another pilot
7 whose name you do not remember or you have not been
8 able to find at your office?

9 A Yes.

10 MR. JACQUES: A dispatcher.

11 Q Oh, I am sorry . So it would be
12 then 12 pilots including Captain Lowe, assuming that he
13 has not resigned?

A. Yes.

14 MR. JACQUES: I might ask at this moment that
15 the witness be requested to supply the Commission with
16 a certified list of the members in good standing as of
17 today, and this list will be filed as Exhibit 1129.

18
19 EXHIBIT 1129: List of Members of Civil Service
20 Association.

21 MR. LALONDE: Q. By the way, you could check
22 then this matter of whether or not you have received the
23 resignation from Captain Lowe or not?

24 A Right.

25 Q Is there any particular reason why
26 the dispatchers have been included in the local?

27 A They are all employees of the Government
28 of Canada; therefore, they are all eligible for membership.

29 Q Do I understand that you could form
30 locals with any group of employees of the Government of



1 Canada, whatever their functions and where ever they
2 are situated?

3 A Oh, yes,

4 Q That is you could group, for instance,
5 dispatchers and pilots in Port Weller, and if there
6 were some in Toronto, and make a local of them, or what?

7 A We only make a local in a particular
8 area, in a particular town or location.

9

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1 Q. What do you call it? Is it a town or an
2 area or what?

3 A. It is a location where the functional
4 headquarters are.

5 Q. I see, and you say provided for employees
6 of the Government of Canada - you can make all of them
7 in a local?

8 A. Yes.

9 Q. So am I understanding you right in saying
10 that you could have grouped into this particular group
11 other employees of the Government in other functions
12 in St. Catharines for instance?

13 A. Yes.

14 Q. Employees of the Seaway for instance, if
15 you had them in your association?

16 A. If we did, yes.

17 THE CHAIRMAN: Post Office?

18 THE WITNESS: Yes. However, I think we
19 should mention too that where we do have this multi-
20 departmental situation we do break these people down
21 into departmental or functional groups if there are
22 sufficient numbers of them. The groups are semi-
23 autonomous in that they can communicate with national
24 office on problems related to their particular function.

25 Q. I see, but you can still keep them in a
26 local if they have a sufficient number to give them
27 existence as a local?

28 A. Yes.

29 Q. When you have local meetings do you know
30 whether the dispatchers attend these meetings on the



1 same basis as the pilots?

2 A. I assume they do. They have every right
3 to.

4 Q. The same right of representation as the
5 pilots in the local?

6 A. Yes.

7 Q. How are the dues set? You say they are
8 set at \$2.00 ~~dollars~~ for instance a month for this
9 particular local. How do you arrive at that figure?

10 A. The figure of any amount over the minimum
11 requirement of 90¢ is set by the local council member-
12 ship themselves. The national organizations have
13 nothing to do with it.

14 Q. I see. Provided the national organization
15 receives 70¢ per month per member the local organization
16 sees to it to fix whatever it needs locally.

17 A. Yes.

18 Q. Have you received the audited statements
19 of the Association every year since the beginning?

20 A. I assume we have. This is not part of
21 my function.

22 Q. But these would be under your control?

23 A. Yes, under the general secretary-treasurer
24 of the organization.

25 Q. Would you mind filing the audited state-
26 ments of the local group? Do you call it local
27 association or ?

28 A. Local council.

29 MR. LALONDE: Of the local council, as Exhibit
30 1130.



1 THE CHAIRMAN: For what years?

2 MR. LALONDE:

3 Q. You started in what year - 1960, 1959?

4 A. 1960.

5 MR. LALONDE: 1960 to date.

6 ---EXHIBIT NO. 1130, Audited Statements of Local
7 Council of the Civil Service
8 Association from 1960 to date.

9 Q. You said your meetings with the Department
10 were set at carefully selected dates. What did you
11 mean by that?

12 A. I did not say that. Somebody suggested
13 that and I said they were not carefully selected by
14 this Association.

15 Q. You referred to the appointment of
16 retired pilots to fill in for absent pilots in the
17 District in 1961. Do you know whether this was put
18 into effect?

19 A. The Department did inform us that they
20 have used or did use retired pilots in this capacity.

21 Q. You do not know for how long?

22 A. No, I do not.

23 Q. And you never settled later on in this
24 matter or you never had any report on this matter
25 later on?

26 A. No.

27 Q. You referred to a mandatory 12-hour
28 rest period which would have been guaranteed by the
29 Department?

30 A. After a trip, you mean?

A. Yes.



1 Q. Is that the understanding you were given,
2 that this would be a mandatory 12-hour period?

3 A. We asked for a mandatory 12-hour period.

4 Q. You asked for a mandatory twenty-four?

5 A. No. We asked for a mandatory 24-hour
6 period originally between trips but the 12-hour period
7 we asked for was a separate item following a
8 trip on the road.

9 Q. Yes, I was referring to the answer you
10 obtained from the Department as to your request for a
11 24-hour rest period after a trip. I think you stated
12 that the Department guaranteed you a mandatory 12-hour
13 rest period only; is that correct?

14 A. At that time, yes.

15 Q. Were you given to understand that this
16 was in effect to be a mandatory 12-hours?

17 A. I do not think the Department committed
18 themselves that specifically.

19 Q. I notice you have quoted from a report
20 of October 19th, 1961, to your membership. Do you
21 know whether subsequent to the various meetings with
22 the Department in previous years you had some other
23 reports of that sort to the membership locally? Do
24 you have any in your files still?

25 A. There could have been, but I checked our
26 files before I left the office and these were the only
27 files that I could find.

28 If I might make a voluntary statement, we do
29 have, of course, individual grievances and problems
30 arising from time to time which we put to the Department



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English

Tombs, cr-ex
(Lalonde)

15860

1 to resolve. Of course I have not included any of
2 these in my statements this morning.

3 Q. Yes. Now when you made your request
4 for relief at lock 8 on January 19th, 1962, were you
5 aware that the Corporation of Professional Great Lakes
6 Pilots had requested relief at lock 7 at the time?

7 A. No.

8 Q. I am informed that the retired pilots
9 have been used, I think, only on maybe three or four
10 occasions in total since 1961. Have you had any such
11 reports?

12 A. No.

13 Q. You said when you requested the rest
14 period in 1962 the D.O.T. promised to consider it but
15 another system was introduced?

16 A. Yes.

17 Q. What system were you referring to then?

18 A. They explained to us they had a new
19 staffing forumula which would provide an average of
20 fifty hours per week per pilot if it was administered
21 properly and they felt this would then provide the
22 pilots with a 24-hour rest period.

23 Q. As far as you know since 1962 when this
24 was told to you do you know whether the 50-hour work
25 period had been applied?

26 A. Yes, I think the system is in effect
27 as far as it can be put into effect, subject, of course,
28 to absence and sickness and that sort of thing.

29 Q. Were you ever provided with figures as to
30 the actual work week of the pilots since 1962?



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English

Tombs, cr-ex
(Lalonde)

15861

1 A. No.

2 MR. JACQUES: To clarify the record, what do
3 you understand by 50-hours' work per week? By "work"
4 what do you understand?

5 THE WITNESS: On duty on the vessel.

6 MR. JACQUES: Would that include being on
7 board a vessel across Lake Erie?

8 THE WITNESS: I would think so.

9 MR. LALONDE:

10 Q. When you also requested that working
11 rules be put in writing in January, 1962, I think you
12 said the Department informed you that this was already
13 in effect?

14 A. Which?

15 Q. The working rules in the District. You
16 requested that these be put in writing at your meeting
17 on January 19th, 1962?

18 A. Yes. We asked at the start of each
19 navigation season the rules for that particular season
20 be posted on bulletin boards prior to the start of the
21 season.

22 Q. And the Department answered you that
23 this was already in effect?

24 A. No. They said they would initiate this.

25 Q. They would initiate that?

26 A. Yes.

27 Q. But they did not do anything about the
28 request that a pilots' representative sit on the
29 preparation of these rules?

30 A. Not that I know of.



1 Q. I notice in your representation in 1962
2 you also raised a few points concerning the technical
3 operation in the District which was properly the res-
4 ponsibility of the St. Lawrence Seaway Authority.
5 Were you ever in touch with the St. Lawrence Seaway
6 Authority about these problems?

7 A. No.

8 Q. I think you filed one letter you had
9 received from Captain Slocombe some time in the Fall
10 of 1962 maybe? It is March 30th, 1962, a letter to
11 Captain Welland. Did you receive any other letters
12 from the Department subsequent to your visits during
13 which you requested some adjustments or improvements
14 in the District?

15 A. No, and we never asked for them. We
16 simply reported to the membership on the basis of what
17 the Department felt they could do and what they could
18 not do.

19 Q. Your requests as far as I can see were
20 put in writing, were they not?

21 A. Yes.

22 Q. And I presume you gave a copy of the
23 requests to the Department when you made them - or
24 before?

25 A. Before - at least a week before.

26 Q. And these were sent a week before; I see.

27 A. Yes.

28 Q. And you reported it to your membership
29 on the basis, I understand, of what you were told at
30 the meeting by the Department officials?



1 A. Yes.

2 Q. As far as you know the only instance
3 when you received a letter in writing concerning
4 your representations was this letter of March 30th,
5 1962?

6 A. Yes. We asked for that letter.

7 Q. Is there any particular reason why you
8 did ask for a letter on this occasion?

9 A. No. I am afraid I was not handling
10 this particular problem at that time. Somebody else
11 filled in for me.

12 Q. Do you know who represented you on this
13 occasion?

14 A. I think Mr. Piche.

15 Q. I think he is a regional representative
16 in Toronto?

17 A. No. He is Assistant National Secretary
18 also.

19 Q. As to the review over the rates of pay
20 in 1964, which you requested at the meeting in 1964,
21 were you aware that the Corporation of Professional
22 Great Lakes Pilots had made representation in August,
23 1963, in that respect?

24 A. No, I was not.

25 Q. There has been filed before this
26 Commission a communication by Mr. Baxter to Captain
27 R. A. Stevenson, president of the Corporation of
28 Professional Great Lakes Pilots dated September 13th,
29 1963, and I quote here, in connection with your state-
30 ment that the Department of Labour would look at wages



1 paid to you as pilots.

2 Mr. Baxter says "This will acknowledge your
3 letter of August 14th drawing to my attention the fact
4 that the American pilots' earnings in the Port Weller/
5 Sarnia District will be increased as a result of a
6 change in tariffs. This in itself is not sufficient
7 justification to warrant an increase in the Canadian
8 pilots' wages, as you are probably aware that the
9 Government's policy is to establish prevailing rates
10 by comparison with rates paid for similar work in
11 Canadian private industry and not with other countries."

12 Were you aware of such a policy by the govern-
13 ment?

14 A. Well, it is normal policy, of course,
15 that the Department of Labour confine its comparisons
16 and evaluations to the Canadian industry, but in a
17 situation such as this I am quite certain they will
18 take a look - they may not use them, but I simply say
19 that they will take a look at the American rates. I
20 am sure they will too.

21 Q. You said you were approached by pilots
22 in 1960 for grouping them in the Civil Service Assoc-
23 iation of Canada. Were you approached personally?

24 A. No.

25 --
26

27 --
28
29
30



1 English

2 Q. The Civil Service Association of Canada
3 were approached personally?

4 A. No.

5 Q. Do you know who was approached?

6 A. I believe it was our regional representa-
7 tive from Toronto.

8 Q. And the report you had was that he had
9 been approached by local pilots?

10 A. Yes.

11 Q. Now you said that this brief was
12 prepared following, I think, various resolutions at
13 regional or national conventions held over two years.
14 Is that it?

15 A. Yes.

16 Q. Who goes to these regional conventions?

17 A. The representative from local Councils
18 attend the regional conventions on the basis of a ballot,
19 of an election, and they are allowed delegates according
20 to a formula of so many members.

21 Q. How many members would there be for the
22 local Council at Port Weller?

23 A. One delegate.

24 Q. And how many delegates did you have in
25 total at the regional conventions where these pilots go?

26 A. It depends on the number of local Councils
27 we have in the region and the number of membership we
28 have at that time.

29 Q. Approximately?

30 A. Approximately 30 to 35 delegates.



1 English

2 Q. In the particular instance of the area
3 in which the local Council of Port Weller is a group --

4 A. Ontario West.

5 Q. The National Council, I presume, would
6 be a group of several hundred delegates?

7 A. No. The total delegates at a national
8 convention is less than 100. It is also based on a
9 ballot at regional conventions who elect delegates
10 based on the membership in that particular region.

11 Q. Was this brief to your knowledge
12 discussed at the last regional convention?

13 A. We just had a regional convention in
14 1964. It was not discussed then. It was discussed
15 at the 1962 regional convention and passed and
16 discussed at the 1962 national convention and passed.

17 Of course, it becomes an Association's
18 policy.

19 Q. You don't mean to say the brief was
20 discussed?

21 A. No, the resolutions.

22 Q. And that resolution would be that all
23 pilots in Canada should be members of the Civil Service
24 or should be a member or part of the Public Service.
25 Is that it?

26 A. Yes.

27 Q. Would it be possible to file with this
28 Commission the text of the resolution which was adopted
29 at that time with the mover and seconder of this
30 resolution?



1 English

2 A. I will try to obtain it. I don't know
3 if we have the records in the office. I will certainly
4 attempt to get them.

5 Q. They would keep minutes of these
6 meetings, I presume?

7 A. Oh, yes.

8 Q. Would you also indicate the number of
9 pilots represented then? I presume there would be
10 only one. Would you check into this matter?

11 A. I don't believe there was a pilots'
12 representative at the national convention. I don't
13 believe he was elected from the regional convention.

14 Q. This resolution, you say, was adopted
15 at the regional and national or national convention?

16 A. At both.

17 Q. Then there would be two resolutions?

18 A. The same resolution has to go through
19 two conventions.

20 Q. Would you produce and file the
21 resolution of the regional resolution where it was
22 adopted with the mover and the seconder and the same
23 for the national convention and state whether there
24 was a pilot representative in either case?

25 A. I can state there was a pilot
26 representative at the regional convention.

27 Q. There would be one?

28 A. Yes.

29 Q. And as far as you know there was none
30 at the national convention?



English

A. As far as I know.

MR. LALONDE: Shall we give this a number immediately or do you prefer to wait?

THE CHAIRMAN: If it is sure it is going to be one Exhibit we will give it a number right now.

MR. LALONDE: Are you sure we would have the national convention resolution?

THE WITNESS: Yes, I can promise that.

THE CHAIRMAN: That will be Exhibit 1131.

THE SECRETARY: Could I have a description?

MR. LALONDE: Resolution adopted at the national and regional conventions of the Civil Service Association from the Port Weller pilots local Council in the year 1962.

---EXHIBIT NO. 1131: Resolution adopted at the national and regional conventions of the Civil Service Association from the Port Weller pilots local Council in the year 1962.

MR. JACQUES: Q. The local council adopts the resolution, forwards it to the regional convention which approves or disapproves?

A. Right.

Q. If approved then sent to the national convention?

A. Yes.

Q. Which approves or disapproves?

A. Yes. It was approved. I would like to reserve that statement. Sometimes these resolutions if the sponsor is not there -- in this case he was not --



1 English

2 often times the resolutions are forwarded to the
3 national office for action and it could have happened
4 in this particular case. My memory is not clear on
5 this particular aspect. It was either approved or
6 forwarded to the national office for action.

7 MR. LALONDE: Q. Would you check
8 whether there was in fact a local Council resolution?

9 A. There had to be a local Council
10 resolution to reach the regional convention.

11 Q. Would you forward the local Council
12 resolution too? Was the national convention at
13 Kingston or was this the regional convention?

14 A. The regional convention.

15 Q. Were you present?

16 A. Yes.

17 Q. Do you remember whether Captain Sisty
18 was the local representative?

19 A. He was the delegate, yes.

20 Q. Do you remember whether Captain Sisty
21 would have stood up and objected to this resolution?

22 A. I can't recall that.

23 Q. Now I understand you have not polled
24 the membership since this convention resolution of 1962
25 in this respect?

26 A. No. These conventions become organization-
27 al policy until such time as the resolution is forwarded
28 to the convention having the opposite effect.

29 Q. I see. As far as the actual text of
30 this brief was concerned you state that you had prepared



1 English

2 it yourself?

3 A. Yes.

4 Q. I think you said you had discussed
5 previously the preparation of this brief with the
6 local executive. Is that right?

7 A. Yes.

8 Q. Do you remember whom you discussed it
9 with?

10 A. Yes, Captain Crawford and Captain A.
11 Welland, who is Secretary-Treasurer, and Captain R.
12 Welland.

13 Q. Was this last year in 1963?

14 A. No, this year.

15 Q. Did you have your text ready by then?

16 A. No, we discussed the contents of the
17 brief.

18 Q. I understand after this you wrote the
19 brief and forwarded it to the Commission?

20 A. Yes.

21 Q. You did not refer the brief again to the
22 local Council for approval?

23 A. No, there was no need. We had approved
24 of the content.

25 Q. Would you have the list of the present
26 officers of the Civil Service Association, the three
27 officers?

28 A. Captain Crawford is local President;
29 Captain Leaney was Secretary-Treasurer this year. I
30 am not certain as to who is the Vice-President.



English

Q. But you said you had met, I think, with Captain Crawford and the two Captain Wellands?

A. Captain Welland was Secretary-Treasurer for the year 1963-1964. I assume they served in office until the end of the off-season, until the start of navigation.

Q. You would think Captain Leaney would begin his function on April 15th?

A. Yes.

Q. You met this year and Captain Leaney was not present?

A. He was not present, no.

Q. Do you know whether or not Captain Welland was still in function at that time as Secretary-Treasurer?

A. I assume he was.

Q. Were you aware that an offer of a public servant system was made to the District #1 pilots in 1961?

A. No.

Q. And that it was turned down unanimously?

A. I am not aware.

Q. I have here an Exhibit which was produced as Exhibit 1054 which appears to be a letter from yourself to Captain Sisty of April 24th, 1962. Do you remember having seen such a letter?

A. Yes.

Q. Part of the letter reads: "It was also indicated to me that the approach our Association



1 English

2 took with respect to the working conditions would be
3 more readily accepted than the militant type of
4 approach used by the Corporation." Do you remember
5 who would have indicated that to you?

6 A. I cannot recall. It has always been
7 my opinion, not only from the Department of Transport
8 but with other Departments.

9 Q. What other Departments are you referring
10 to?

11 A. The Department of Public Works --

12 Q. Other Departments you are dealing with?

13 A. Yes.

14 Q. The Corporation itself is dealing only
15 with the Department of Transport?

16 A. Yes. It stems, of course, from general
17 reluctance on the part of government departments as
18 a whole to deal with militant types of organizations.

19 Q. When you state here in your letter that
20 it was indicated to you that your approach with
21 respect to working conditions would be more readily
22 accepted, etc., you did not write you felt it was so
23 but you stated it was indicated to you by somebody?

24 A. It could have been but I can't remember
25 who.

26 Q. Whom have you been dealing with concerning
27 pilotage in the Department?

28 A. A good many people.

29 Q. Several people?

30 A. Yes, both from personnel and from the



1 English

2 operational branch of pilotage.

3 Q. Do you remember having heard any such
4 statements, even if you don't remember who exactly
5 said it or whether this is the statement you heard
6 pretty often here and there?

7 A. Yes. I think it stems from the fact
8 it has often been said.

9 Q. In the letter you also stated with
10 respect to the position of the Corporation: "It has
11 been confirmed to me today that they carry no great
12 weight." That was April 24th, 1962.

13 MR. JACQUES: For the sake of the record
14 would you complete the sentence?

15 MR. LALONDE: "or have any more strength
16 in the Port Weller-Sarnia area than any other Associ-
17 ation." Do you remember to whom you were talking?

18 A. I don't remember the specific person
19 but that statement was quite valid at the time.

20 MR. LALONDE: Thank you.

21
22 CROSS-EXAMINATION BY MR. BRISSET:

23 Q. Mr. Tombs, if I may paraphrase what
24 was said in your letter of April 24th, 1962, would it
25 be fair to say that what actually you meant to convey
26 is that it is better to be reasonable in one's approach
27 with the government than to be unreasonable?

28 A. I think that would be the general feeling
29 of the Department and probably what I meant to say.

30 Q. Mr. Tombs, the main recommendation



1 English
2 contained in your brief is that a special agency of
3 the Crown, either a Commission or a Board, be set up
4 to control and administer all aspects of pilotage in
5 Canada. I understand that this recommendation stems
6 from the resolution which was passed in 1962 by the
7 local Council. Am I right?

8 A. Yes, partially. I would say partially.
9 I would think that the resolution, of course, indicated
10 to us that the pilots wanted to continue to be part
11 of the public service and the only way we felt this
12 could be done in an orderly fashion and still give the
13 pilots a great deal of representation with their
14 employer would be to take the control away from the
15 Department and give it to the agency. In this way
16 they would be able to conduct their own affairs.

17 Q. At the time the brief was drafted had
18 you been made aware of the recommendations of the
19 shipping industry, the ocean shipping industry to the
20 same effect?

21 A. No, I had not.

22 Q. You had not?

23 A. No.

24 Q. Or the Board of St. Lawrence River Pilots
25 or the Vancouver Pilots?

26 A. No.

27 Q. I want to go back to your statement in
28 connection with the right of pilots to strike. Are
29 you aware that there are actually three systems of
30 pilotage in Canada? One that I would call the voluntary



1 English

2 system, one that the ship may or may not use a pilot
3 at its discretion, a system under which a vessel may
4 or may not employ a pilot but if the ship does not
5 employ the pilot the dues still have to be paid?

6 A. Yes.

7 Q. And then there is the compulsory pilotage
8 where the ship has no choice and must use a pilot.
9 You are aware of these?

10 A. Yes.

11 Q. Now in advocating the right to strike
12 for the pilots have you considered the position of
13 the ship owner where pilotage is compulsory? In
14 other words, do you not see an imbalance in this
15 situation where the ship has no choice but must use a
16 pilot while the pilot has the choice of not piloting?

17

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1 A. Well, I think this is a factor that has
2 to be considered if and when such an event takes place.
3 Probably what you want me to say is that pilots
4 shouldn't have the right to strike but I can't go along
5 with that until such time as the employer, as such,
6 and the employees, who would be the pilots, come face
7 to face with this problem. It is quite possible
8 that the pilots themselves might want to enter into
9 some form of voluntary arbitration, but I still
10 wouldn't want to deprive them of the right to withdraw
11 their labour. On the basis.....

12 Q. Would you then concede the same right
13 to the employer?

14 A. The employer has that right.

15 Q. Not having to be subjected to compulsory
16 pilotage? He might be subjected to compulsory
17 payment of dues but not compulsion insofar as the
18 use of the pilot.

19 THE CHAIRMAN: Use the service.

20 Q. Use of the services.

21 A. If that happened, the pilot would not
22 have a weapon at all.

23 Q. Are you aware of the strikes that have
24 occurred in the lower St. Lawrence where the system is
25 only compulsory payment of pilotage dues.

26 A. Yes, I read it in the papers. But I
27 still believe this is a question that has to be
28 resolved between the pilots and the owners and the
29 agency after such a system has been put into effect.

30 I do not think you can write out a group of



1 employees from the Industrial Relations and Disputes
2 Investigation Act. That Act does give them the
3 right to withdraw their labour.

4 Q. In other words, you want the right of
5 the pilots to strike to be recognized, but at the
6 same time you concede that the right must be exercised
7 in compliance with due process of law as contemplated
8 under the Industrial Investigation Act or whatever the
9 name is.

10 A. Industrial Relations.

11 Q. Industrial Relations and Disputes
12 Investigation Act; is that correct?

13 A. Yes.

14 Q. Is it fair for me then to put it to you
15 that you would not consider it proper for pilots who
16 do not have a right to strike to do it without comply-
17 ing with the provisions of the Industrial Relations
18 and Disputes Investigation Act? In other words, to
19 strike over-night without notice to the industry.

20 A. I don't agree with wild-cat strikes if
21 that is what you want to know.

22 Q. Could I say that you are speaking here
23 not only personally but as expressing the views of
24 your Association.

25 A. Yes.

26 Q. Mr. Tombs, you mentioned that amongst
27 the demands or requests of the pilots over the years
28 there was one to the effect they should be given
29 24-hours off between assignments. At the time this
30 request was presented on behalf of the Porter Weller/



English

1 Sarnia pilots, had you made any study to determine
2 on an average how many times a pilot during the season
3 was off 24-hours or more actually?

4 A. We have received information from the
5 Department to this effect, yes.

6 Q. What would be the percentage? Can you
7 give us an idea, say, for last year you presented this
8 request.

9 A. No, I can't remember the figures at the
10 moment.

11 Q. Would it be fair to say that on the
12 average in more than fifty per cent of the cases the
13 pilot has 24-hours, and at times 48-hours off between
14 assignments.

15 A. I wouldn't like to say.

16 Q. You would not?

17 A. No.

18 Q. At any rate, in presenting the request,
19 and discussing it this morning, you did not want to
20 convey that in no case the pilot did not have 24-hours
21 off?

22 A. Well, I didn't think - I don't think I
23 said that in specific terms.

24 Q. Another point taken up with the Depart-
25 ment had to do with the 50-hours of work. You told
26 us that you would include in the 50-hours of work
27 for the Port Weller/Sarnia pilots the trip across
28 Lake Erie even though the pilot might be resting or
29 sleeping during that passage. It would still be con-
30 sidered?



1 A. I would consider that part of being on
2 duty, yes.

3 Q. Have you also considered the situation
4 in the case of trans-lake work, and I will give you
5 an illustration, or port pilotage work. We have a
6 case, for instance, of a pilot in District No. 2
7 called upon to pilot a vessel in Chicago. He will
8 board a ship at Sarnia or Port Huron, go through Lake
9 Huron, Lake Michigan, then do his piloting in Chicago,
10 which may take two hours; stay in port perhaps for a
11 day, and then return to Port Huron on the same ship.
12 He may be on the ship for about five days. That
13 would be considered as over-time during that week?
14 He would have exceeded his 50-hours; is that correct?

15 A. Well, except travelling time, when he
16 is off the ship, but I think any time a pilot is on
17 board a ship he must be considered on duty, whether he
18 is actually functioning as a pilot or not.

19 Q. So in the illustration I have given you,
20 he would have been at work for 120 hours in that week?

21 A. I would almost place him in the same
22 category as firefighters who have to be there at the
23 fire hall whether there is a fire or not, but they
24 still have a work week.

25 Q. You would not place the pilot in the
26 category of a professional?

27 A. I have never considered it.

28 THE CHAIRMAN: Mr. Mason?

29 MR. MASON: No, sir.

30



English

RE-DIRECT EXAMINATION BY MR. JACQUES:

Q. You said that the pilots in your Association or the members of your Association, local council, paid \$2.00 a month for the season; is that correct?

A. Yes.

Q. It is roughly \$16.00 or \$18.00 a year?

A. Yes.

THE CHAIRMAN: Only for the season and not for the year?

Q. The witness said they paid \$2.00 a month during the navigational season.

A. Yes. They are not required to pay dues while they are not working.

Q. Do they pay any meeting expenses of any kind?

A. No.

Q. Do they pay the travelling expenses of their representative?

A. When they go to Ottawa?

Q. When they go to Ottawa?

A. I think the local fund - the local council provides expenses for them out of local funds.

Q. Do they pay anything by way of office, telephone, supplies and sundries.

A. No. All the office supplies and sundries are provided by the national office.

Q. Do they reimburse their members or officers for meeting expenses?

A. Not that I am aware of.



1 Q. Do they pay any insurance of any kind
2 in connection with their organization?

3 A. The organization have an insurance plan,
4 which is a voluntary plan.

5 Q. Do they pay auditing expenses?

6 A. I don't think so.

7 Q. When they need legal services what
8 happens? When the local council needs legal assistance,
9 what happens?

10 A. Well, if the occasion arises that the
11 local council needs legal assistance, and I am afraid
12 that it doesn't happen very often, the national office
13 have provided this service for them.

14 Q. Who pays the bill?

15 A. National office.

16 Q. Have you had any complaints on the
17 matter of discipline exercised by the Department
18 over the pilots; local council in St. Catharines,
19 of course?

20 A. If they have been they have been very
21 insignificant.

22 Q. Not significant enough that you would
23 recall any specific instances?

24 A. No, no.

25 Q. Apart from the \$2.00 a month, would your
26 members at any time be called upon to pay any other
27 dues?

28 A. No.

29 Q. Is there any initiation fee?

30 A. No.



1 Q. Just \$2.00 a month?

2 A. That is all.

3 Q. With respect to the creation of a Crown
4 agency, would your Association expect to be represented
5 on the Crown agency board?

6 A. We would expect to enrol the Crown
7 agency employees in the organization and obtain
8 certification on their behalf.

9 Q. No more than that?

10 A. No more than that.

11 Q. And of course negotiate with them after-
12 wards?

13 A. We could assist them.

14 Q. But you would not expect to be a member
15 of that Crown agency?

16 A. Oh goodness, no.

17 COMMISSIONER SMITH: In that connection, Mr.
18 Tombs, I do not have here a copy of the Industrial
19 Relations and Disputes Investigation Act, but is the
20 scope of it broad enough to cover permanent Crown
21 employees, if they are formed into an association to
22 enable a certificate to be granted? I mean is the
23 law forceful enough to enable, through the machinery,
24 to bring a strike against the Crown itself?

25 THE WITNESS: Yes, this has been done in
26 other Crown corporations. However, in the event of
27 such a Crown corporation being set up, we, of course,
28 do not know whether the Canada Labour Relations Board
29 would accept bargaining units on a local basis or on
30 a national basis. This is something that the Canada



1 Labour Relations Board would have to consider if
2 such a Crown agency were set up.

3 COMMISSIONER SMITH: Have there been any
4 instances in Canada in your time where there has been
5 a strike against the Crown?

6 THE WITNESS: Yes, Sir, of course the
7 Canadian National Railroad is a Crown agency.

8 COMMISSIONER SMITH: Well, the Canadian
9 National Railway is a corporation with a president and
10 board of directors, and the shares in that company are
11 held by the government I think in the name of the people
12 of Canada, but that is not what we call an emanation
13 of the Crown.

14 THE WITNESS: Now, this is the type of agency
15 that we can foresee; perhaps it would not be as say
16 proprietary as the Canadian National Railroad is, or
17 perhaps as the C.B.C. is, but I think that other
18 Crown companies of a similar nature have had labour
19 disputes with their employees. I can't recall off-
20 hand whether or not there has been a strike.

21 COMMISSIONER SMITH: No, I can't recall
22 any, and I was wondering perhaps if you could refresh
23 my memory. Thank you very much.

24 MR. JACQUES: No more questions, my Lord.

25 CROSS-EXAMINATION BY MR. LALONDE:

26 Q. You said the Association was required to
27 have audited statements; you said you did not think
28 that the local councils would pay for auditors.

29 A. The usual procedure is to obtain one or
30 two volunteers to audit the accounts for the year.



1 Q. You mean members; is that it?

2 A. Yes.

3 Q. This is an audit carried out not by an
4 accountant, an outside accountant?

5 A. No.

6 Q. What you call an audit is a report by
7 two members who are not on the board of directors?

8 A. That is right?

9 Q. Two look at the books?

10 A. Two members at large will check the
11 books and see that they are in order.

12 Q. I see. With a group as small as this,
13 would you say that the contribution of 20¢ a month
14 to the national office covers your expenses for the
15 group, the local council itself?

16 A. The organization do not consider this
17 at all.

18 Q. You have general revenue and you care
19 for everybody who is a member?

20 A. That is right.

21 Q. Whether or not the income from a group
22 is enough to cover the operation?

23 A. Yes.

24 THE CHAIRMAN: Any further questions of this
25 witness? Thank you, Mr. Tombs, we will now adjourn
26 until this afternoon at 2:30.

27 ---NOON ADJOURNMENT.

28

29

30



1 ---UPON RESUMING AT 2:30 P.M.

2 R.A. TOMBS, recalled

3 RE-EXAMINATION BY MR. JACQUES:

4 Q. Mr. Tombs, I do not think it is clear
5 under which law the Civil Service Association of
6 Canada has been established. Would you clarify
7 this matter for us?

8 A. Well, I suppose it would be fair to
9 say that the Association simply comes under the
10 common laws of Canada. It does not come under any
11 specific act or legislation.

12 Q. It is not a corporation incorporated
13 under the Companies Act?

14 A. No, although it is recognized by the
15 Federal Government in the Civil Service Act and in
16 the National Joint Council of the Public Service of
17 Canada.

18 Q. To come back to your previous evidence
19 concerning the number of hours of work per week, Mr.
20 Tombs, would you clarify your statement concerning
21 the expression "work"? What do you mean by "work"?

22 A. By being on duty.

23 Q. When the pilot is at home and is
24 advised to report to a ship at a given time at a
25 given place do you consider that he goes on duty at
26 that moment?

27 A. No.

28 Q. All right; when does his duty start?

29 A. When he boards the vessel.

30 Q. And the travelling time from his home



1 to the vessel, whether the vessel is in any of the
2 ports within the District - either Port Weller, Port
3 Colborne, Cleveland, Toledo, Detroit and whatnot -
4 do you include that in the expression "working hours"?

5 A. The usual employer-employee relationship
6 with respect to this matter is that the employee is
7 considered to be in travelling status. Therefore
8 these are not part of his regular working hours. He
9 receives compensation for being in travelling status.

10 Q. In our particular case what would be
11 the compensation received by the pilot?

12 A. Time off.

13 Q. How do you mean?

14 A. Well, we have been asking all along, of
15 course, that when a pilot is in travelling status -
16 that is, he is travelling either from his home to a
17 ship or from an assignment back home again - that he
18 be given a clear 12-hours off duty.

19 Q. From door to door, as it were - from
20 the time he enters his home to the time he leaves
21 home it should be 12-hours?

22 A. Yes. When he comes back home we are
23 asking that he be given 12-hours off from duty. But
24 his actual working time, his hours of work should
25 start from the time he boards a vessel until the time
26 he leaves the vessel.

27 Q. For the purpose of calculating his work
28 load would you take into account the travelling time?
29 This may become quite involved. A pilot in theory
30 might be travelling the whole season between Port Weller



English

1 and Detroit for each ship.

2 A. Well, of course, this is an occupation
3 that is peculiar to any industry that you can name.
4 It is quite a complicated matter. I can only use
5 the analogy of people working in the government
6 service who work under similar conditions. These
7 people do receive if they work beyond by travelling
8 their regular hours of duty, they usually receive
9 compensatory time off. This is what we think
10 should happen to ships' pilots.

11 Q. And again in the expression "working
12 hours" you would include the time it takes to take
13 the ship from Port Colborne to Pelee Point - that
14 is the passage across Lake Erie?

15 A. If he is on board ship, yes, it is part
16 of his working hours.

17 Q. Even though he may be sleeping?

18 A. Even though he may be sleeping.

19 MR. JACQUES: Thank you, sir.

20 FURTHER CROSS-EXAMINATION BY MR. LALONDE:

21 Q. If you have a pilot dispatched from
22 Port Weller where his home is, for instance, and he
23 is asked to go by bus to Cleveland, as occurs - that
24 is the general practice, it seems - to make a movage,
25 let us say, in the harbour; that movage may take,
26 let us say, two hours or an hour and a half. Maybe he
27 could take a ship out but let us say he is called
28 back at Port Huron or Port Weller to take another ship.
29 He would have been travelling all the way to Cleveland
30 and all the way back for that, say, two-hour movage of



English

1 the ship?

2 A. Yes.

3 Q. Would you consider his work load should
4 be considered only as two hours then?

5 A. Yes - the time worked on a ship. As I
6 said before, he should be compensated in time off for
7 the time he has spent in travel status.

8 Q. But with two such movages during the week
9 it might only take five hours of work during the week
10 and maybe 70 odd travel hours. You would not consider
11 this ---

12 A. I am wondering if this is a normal
13 circumstance.

14 Q. No, it is not a normal circumstance, I
15 agree with you, but it might occur.

16 A. Well, if it is not a normal circumstance
17 then I should think something should be arranged for
18 that circumstance.

19 Q. There is something I forgot to ask you.
20 Would you be kind enough to provide to the Commission
21 the list of the directors of the local council since
22 its inception in 1960. Can you file this?

23 MR. JACQUES: I am sure Captain Crawford
24 will file that. He will be called to the stand.

25 MR. LALONDE: All right, forget about it.

26 MR. JACQUES: I have one more question. This
27 time off which is granted for travelling time, do you
28 calculate that for a whole season or per week? If
29 he may work 50-hours during the week piloting time
30 there are only so many hours left in the week to cal-



1 culate time off.

2 THE WITNESS: I should think providing he
3 gets a minimum amount of time off between trips so
4 that he does not get too exhausted or tired, I should
5 think the balance could be added to his compensatory
6 leave at the end of the navigational season. In other
7 words we are asking for a minimum of 12-hours' rest
8 after a travelling period.

9 MR. JACQUES: Seven days a week?

10 THE WITNESS: Yes. If he has been in
11 travel status for 20 hours then I should think the
12 8 hours could be credited to him at the end of the
13 navigation season.

14 MR. JACQUES: By way of pay?

15 THE WITNESS: Yes.

16 MR. JACQUES: Thank you.

17 THE CHAIRMAN: Thank you very much.

18 (The witness withdrew).

19 ALBERT H. BOND, Sworn.

20 DIRECT EXAMINATION BY MR. JACQUES:

21 Q. What is your occupation, sir?

22 A. Regional representative for the Civil
23 Service Association of Canada in Ontario.

24 Q. How long have you occupied that position?

25 A. June the 1st, 1956.

26 Q. Would you briefly describe what your
27 duties are?

28 A. I am responsible for the organization of
29 the local councils in Ontario west, for the recruitment
30 of the members, for the servicing and assistance to



1 such local councils and members, looking after
2 grievances, problems, appeals, anything that has to
3 do with the orderly progress of the staff associations.

4 Q. In your capacity did you have anything to
5 do with the setting up of the local council for pilots
6 in St. Catharines?

7 A. I was responsible for organizing the
8 Port Weller/Sarnia local council.

9 Q. Would you briefly sum up what has been
10 done - what you did in that respect?

11 A. The original contact came to the Assoc-
12 iation from, I believe his name is Captain Ed Green,
13 who I think is deceased now, after the Department of
14 Transport had taken over the operation in Port Weller.

15 Some time late in that Summer Captain Green
16 wrote to the Association. I believe he wrote; I got
17 a phone call from Ottawa anyway telling me that
18 Captain Green had requested information on the Assoc-
19 iation. I went to Port Weller and contacted Captain
20 Crawford.

21 Q. Why Captain Crawford?

22 A. Because he was the officer in charge at
23 the time.

24 Q. I see.

25 A. I went direct to the office of the
26 Department.

27 MR. LALONDE: What year was that?

28 THE WITNESS: 1959. I was not able to
29 meet Captain Green at the time because I believe he
30 was out on a ship, but I did meet one or two of the



English

1 other pilots - Captain Welland, Captain Cake. Some
2 time between the late Summer and the end of the season
3 we made material available to all of the pilots, I
4 think, which is a general organization campaign. We
5 made our services available to them.

6 MR. JACQUES:

7 Q. Did you select the pilots to whom you
8 gave material?

9 A. No. Everyone was entitled to the
10 material and I believe we made it available to everyone,
11 not by direct mail but by leaving it in an area where
12 they could pick it up and see it.

13 I did visit Sarnia, I believe, in the same
14 year, because pilots were staying at both ends of the
15 District. I would meet them in the hotel in Sarnia,
16 talk to them and discuss the organization with them.
17 Through the mail we did pick up a number of new members
18 at that time.

19 Q. How was the first meeting organized?

20 A. The first regular meeting of the pilots
21 was held, I believe, on the last day of November, if
22 my memory serves me correctly, which was the close of
23 navigation at that time. We had a meeting with the
24 pilots. I think it was in the Welland House Hotel.
25 It was available to all those who were members and
26 those who were not members were invited to attend.
27 A number of pilots did attend the meeting. We initiated
28 the local council at that time by holding an election
29 of officers. We held elections for President, Vice-
30 President and Secretary-Treasurer.



1 Q. Are you the neutral observer attending
2 these elections?

3 A. That is correct.

4 Q. Have you attended each and every election
5 since 1959?

6 A. I have missed one, I believe, and that
7 was - there was no meeting. No - I was not available
8 this year to attend the meeting in late December.

9 Q. Were you replaced?

10 A. No to my knowledge, no.

11 Q. Do you inspect the minute books and
12 account books of the council?

13 A. No, it is not my function.

14 Q. It is not your function; do you have
15 access to the books?

16 A. Not officially. The only man who has
17 official access to the local council books and accounts
18 is the National Vice-President, who is elected at a
19 regional convention by the delegates from his region.
20 He is given that authority under the Constitution.

21 Q. What did you do as an observer during the
22 election?

23 A. I would normally go down to hold the
24 election and swear the officers in and any questions
25 that arise with respect to their employment - I am
26 there to act as a technical adviser really.

27 Q. You say you swear officers in?

28 A. We have a form of oath of office.

29 Q. For the President and the Vice-President
30 and people like that?



1 A. Oh, yes.

2 Q. What have you done to recruit members
3 since 1959?

4 A. Each year, each Spring, I believe it is,
5 we normally send out the routine information that is
6 available to all of the government employees. We also
7 make available a resume of the last brief presented
8 to the Department of Transport and the results or
9 answers which we got at that time.

10 This is always made available to all of our
11 members and in fact there are normally copies sent to
12 those pilots who are not members of ours as well in
13 the hope that they may join.

14 Q. Were copies sent to all the pilots?

15 A. Yes.

16 MR. JACQUES: There were. Thank you.

17 CROSS-EXAMINATION BY MR. LALONDE:

18 Q. Are you sure copies of the report of the
19 meetings you held with the Department have been sent
20 every year to all the pilots in the District?

21 A. To my knowledge the ones that went out
22 of my office, there was no distinction because they
23 were sent to those who were not members in the hope
24 that they might see the light and join.

25 Q. Were they all sent from your office?

26 A. No; Ottawa sent them once or twice.

27 MR. BRISSET: No questions.

28 THE CHAIRMAN: Thank you very much Mr. Bond.

29 --The witness withdrew.

30



1 CAPTAIN L. H. CRAWFORD, Sworn.

2 DIRECT EXAMINATION BY MR. JACQUES:

3 Q. For the purpose of the record, you are a
4 pilot in the Port Weller/Sarnia District and you are
5 President of the Local Council of the Civil Service
6 Association; is that correct?

7 A. I am.

8 Q. How long have you been President?

9 A. Two years.

10 Q. Does your Council keep minutes of these
11 meetings?

12 A. Yes, they do.

13 Q. Would you make this book available to
14 the Commission, if you please? You could mail it to
15 the Commission. The Commission will inspect it and
16 return it.

17 A. Well, I shall try.

18 Q. Why try?

19 A. Yes, I can make it available because it
20 is..... There is nothing to hide; I can get it.

21 Q. Do you as a pilot find it inconvenient
22 or awkward to have dispatchers among your members?

23 A. In what way?

24 Q. In your local council.

25 A. Well, I do not know about being awkward.
26 There are times when we cannot actually represent them
27 because they are in a different..... The original
28 reason why we had them is that we thought we could
29 possible help them, but it was found out that they
30 were in a different category and of course we being



English

1 seamen, we did not, we could not follow their category
2 and we could not go to Ottawa or go to the Department
3 and ask them for things for the dispatchers because
4 they were put under a different heading. Therefore it
5 was foreign to us. Some of these Clerk No. 1 and
6 Clerk No..... We did not know what the Department
7 had in mind, so we felt we could not represent them so
8 good.

9 Q. But has it prevented pilots among your
10 group, your council adequately to make their views
11 known to the Department, to obtain things
12 from the Department?

13 A. By having the dispatchers in it?

14 Q. Yes.

15 A. I do not think so.

16 Q. What is the main complaint of the group
17 you represent with respect to the administration of
18 pilotage in your District?

19 -

20 -

21 -



1 A. With, the administration of the pilotage
2 in the District?

3 Q. Yes. Or I should be a little more blunt.
4 Have you any complaints against the Department.

5 A. Well, we wouldn't be normal, of course, if
6 we didn't from what I can gather. About the only thing
7 I can say, nobody is happy, but one thing that seems to
8 be the predominant thing, we don't know whether we can
9 get quite the definite answers to our requests through,
10 and from the experience I have had there are so many
11 departments that it has to go through before it finally
12 comes back to us - I guess maybe that is the cause of the
13 delay. I am just voicing it from what I hear from
14 the rest of the pilots. We don't have anything definite.

15 Q. Do you mean you never have a straightfor-
16 ward no or yes answer?

17 A. Well, yes. I suppose you could put it
18 that way. I mean we will take, for instance, the
19 change at Lock 7. They will tell you "Well, yes, the
20 change at Lock 7 is all right, but in peak periods,
21 well, we expect you to go through."

22 Q. There is no categorical answer?

23 A. That is right.

24 Q. Do you find that the Department is slow
25 in making its answers known, be they affirmative or
26 negative?

27 A. Well, then again it is slow for the
28 simple reason there is different departments to go
29 through before they can come back with an answer.

30 Q. Now, when your Association presents briefs



1 to the Department throughout the years, who prepares
2 these briefs?

3 A. Well, we do as the local council.

4 Q. Do you have a meeting?

5 A. We have a meeting.

6 Q. And prepare a brief and put it down
7 what you want?

8 A. Where everybody says what they want, I
9 expect.

10 Q. And that is written down?

11 A. That is written down.

12 Q. Then what happens to that?

13 A. It is sent to our regional representative
14 who types it out and sends it in, the copies, sends it
15 back to us, and then I believe it is sent to the
16 national office, and we ask for a date to meet the
17 Department of Transport in this case. They then
18 have to go through a bunch of dates to see when it is
19 open, and we can have the meeting and they let us know
20 via the local representative, regional representative.

21 Q. Do you go to Ottawa to attend these
22 meetings?

23 A. Yes, I have.

24 Q. Or is your organization represented?

25 A. Yes.

26 Q. Who pays the expenses?

27 A. The local council funds.

28 Q. How much do you assess your members every
29 month?

30 A. They pay \$2.00 a month.



1 Q. And that covers these expenses?

2 A. Reasonably so.

3 Q. If it doesn't cover, what happens?

4 A. Well, we eat on ourselves.

5 Q. You what?

6 A. We pay our own until such time as we can
7 build up a fund to pay the expenses.

8 Q. Have you at any time assessed your members
9 more than \$2.00 per month?

10 A. No, sir, we haven't, not as an assessment
11 that way. As I mentioned, sometimes we have to pay our
12 own expenses until there is-----

13 Q. Until there is enough money in the till?

14 A. Until there is enough money in the till.

15 Q. But eventually you are reimbursed?

16 A. Eventually.

17 Q. What are your views on the status of pilots?
18 Are you in favour of remaining as a public servant or
19 civil servant, or would you rather be under a private
20 enterprise system.

21 A. Well, there again I am going to speak
22 for myself. Sure, there is some things I don't like
23 that kind of irritates once in a while but over all I
24 think with some improvements I would like to stay not
25 as a civil servant under the Civil Servants Act, but
26 governed by, say, as a government employee.

27 COMMISSIONER SMITH: You mean prevailing
28 rates?

29 THE WITNESS: Prevailing rates. I am speak-
30 ing strictly for myself.



1 MR. JACQUES:

2 Q. What about your fellow members?

3 A. There is a number of them that would say
4 the same thing.

5 Q. Would you be in favour of obtaining the
6 right to bargain collectively with, say, a Crown
7 agency which would administer pilotage?

8 A. Now----

9 Q. Do you know how the union works today?
10 The employees form a union or association of some kind,
11 and then they speak to their employer and they negotiate
12 conditions of employment and salaries and whatnot with
13 the employer, and then a document is eventually drafted
14 and it is called a collective agreement, and this governs
15 the relationship between the employer and employee for
16 a certain period of years, one year, two years.

17 A. Well, then again I am only speaking for
18 myself, and possibly that would be all right. I wouldn't
19 like - I suppose over the years we would have to - it
20 kind of keep a brake on us. We wouldn't be asking a
21 lot of nonsensical things maybe.

22 Q. Do you think your views are shared by
23 other pilots in the District?

24 A. Well, maybe not put the way I just stated
25 it, but I think if-----

26 Q. Something on those lines?

27 A. Yes.

28 MR. JACQUES: Thank you, sir.

29 CROSS-EXAMINATION BY MR. LALONDE:

30 Q. Will you give me a list of the officers of



1 your Association for the last three years?

2 A. I can make it available.

3 Q. You wouldn't know it by heart?

4 A. For the last three years?

5 Q. Yes?

6 A. The last two years I can give you.

7 Q. Will you give me the last two years?

8 A. Two years.

9 Q. Yes?

10 A. Well, myself as President, Richard Vail
11 as Vice-President.

12 MR. JACQUES: He is the pilot whose name I
13 had forgotten this morning.

14 Q. The next one?

15 A. Captain Leaney was the Secretary-Treasurer,
16 but I understand that he has resigned in favour of
17 Captain Welland, and Captain Welland has taken over
18 until such time as we have another election.

19 Q. Were you giving the names for last year?

20 A. Last year.

21 Q. Were the same last year? You have three
22 names there.

23 A. Yes.

24 Q. Yourself?

25 A. Yes.

26 Q. Captain Vail and Captain Leaney?

27 A. We haven't been able to change them
28 because we didn't have enough out at the general meeting
29 to change them.

30 Q. You didn't have enough?



English

- 1 A. Enough members.
- 2 Q. Enough members at the general meeting?
- 3 A. At one general meeting. It just happened
- 4 that it came at the wrong time.
- 5 Q. How many members did you have at the
- 6 meeting?
- 7 A. Off-hand I couldn't tell you.
- 8 Q. At the general meeting?
- 9 A. Off-hand I couldn't just say.
- 10 Q. Do you have a quorum in your rules?
- 11 A. Yes. That is the reason why---
- 12 Q. What is a quorum?
- 13 A. Well, it is - what was it? Seven or
- 14 more, or five? Seven or more I think, and that day
- 15 we didn't have enough.
- 16 Q. You didn't have seven people?
- 17 A. Not that day, so that we could rotate.
- 18 Q. You say Captain Leaney resigned as
- 19 Secretary-Treasurer?
- 20 A. Yes.
- 21 Q. Do you know what reason?
- 22 A. No, I don't know what reason. I was away
- 23 for a while. I am just back and haven't contacted him.
- 24 Q. Has he advised you he had also resigned
- 25 from the Civil Service Association?
- 26 A. He hasn't advised me of anything.
- 27 Q. When the meeting took place with Mr.
- 28 Tombs about the proposed brief which your Association
- 29 was to present, had Captain Leaney resigned then as
- 30 Secretary-Treasurer?



- 1 A. No.
- 2 Q. He was still Secretary-Treasurer then?
- 3 A. Yes, as far as I know.
- 4 Q. In previous evidence you gave before this
- 5 Commission on March 17, 1964, you stated you were a
- 6 master on the lakes on lake ships before 1958. In
- 7 1957?
- 8 A. Yes.
- 9 Q. Is that the correct answer?
- 10 A. Yes that was right.
- 11 Q. What ship was that?
- 12 A. THE QUEENSTON.
- 13 MR. LALONDE: Thank you.

14 CROSS-EXAMINATION BY MR. BRISSET:

- 15 Q. Captain, what date was your meeting, your
- 16 general meeting, to which you just referred? On what
- 17 date was it held?
- 18 A. Right off-hand now - it was some time in
- 19 January.
- 20 Q. Of this year?
- 21 A. Of this year.
- 22 THE CHAIRMAN: Any further questions of
- 23 Captain Crawford?
- 24 MR. JACQUES: Is there anything else you
- 25 would like to add, Captain?
- 26 THE WITNESS: No, I don't think so.
- 27 THE CHAIRMAN: Thank you very much, Captain.
- 28 MR. JACQUES: Mr. Tombs, is there anything
- 29 else you would like to add?
- 30 MR. TOMBS: I would like to ask Captain



1 Crawford a question if I may. Generally speaking,
2 Captain Crawford, are the membership in the Civil
3 Service Association of Canada generally satisfied
4 with the representation that they receive in the
5 Association?

6 THE WITNESS: The representation that we re-
7 ceive in Ottawa you mean?

8 MR. TOMBS: Yes.

9 THE WITNESS: On our resolutions?

10 MR. TOMBS: Yes.

11 THE WITNESS: Generally, yes. There is
12 always a bit of - they don't act fast enough or they
13 don't-----

14 THE CHAIRMAN: You mean the results?

15 THE WITNESS: The results.

16 MR. TOMBS: Are they generally satisfied
17 with the type of work that the Association is doing
18 for them?

19 THE WITNESS: Yes, when you can tell them
20 that the wheels of government grind slowly, that
21 eventually it grinds something out in their favour, yes.

22 MR. TOMBS: Thank you, Captain.

23 WITNESS RETIRES.

24 MR. JACQUES: I will now call upon Imperial
25 Oil Company Limited to present its brief, my Lord.

26 MR. ROBINETTE: My Lord, and Mr. Commissioners,
27 my name is G. W. Robinette. I am appearing for
28 Imperial Oil Limited, and Captain T. Douglas Kelly,
29 who is manager of our marine division, is appearing as
30 a witness to elaborate and embellish the brief which we



1 have submitted.

2 May I say how grateful we both are to have the
3 privilege and opportunity of appearing before this
4 Commission. I file a brief, dated May 28, 1963, which
5 I understand under the rules of your procedure is to be
6 taken as read.

7 THE CHAIRMAN: Yes.

8 MR. ROBINETTE: And which will be marked as
9 Exhibit No.?

10 THE CHAIRMAN: Exhibit 1132.

11 ---EXHIBIT NO. 1132, brief of Imperial Oil Company
12 Limited.

13 MR. ROBINETTE: I would like to call Captain
14 Kelly, please.

15 CAPTAIN T. DOUGLAS KELLY, Sworn.

16 DIRECT EXAMINATION BY MR. ROBINETTE:

17 Q. Captain Kelly, you are the manager of
18 the marine division, Imperial Oil Limited, at Toronto?

19 A. Yes, sir.

20 Q. And did you prepare this brief which is
21 Exhibit 1132, dated May 28, 1963?

22 A. I did.

23 Q. Which was submitted to this Commission.
24 Would you please give the Commission an outline of your
25 experience and qualifications in pilotage matters and
26 marine matters?

27 A. I joined Imperial Oil nearly forty-two
28 years ago after completing a course of study at the
29 Royal Naval College of Canada at Esquimalt. I went
30 to sea with Imperial Oil in August, 1922, and in 1928



English

1 obtained a master's foreign-going certificate, No.4917.

2 In 1929 I obtained my first command of an
3 ocean-going tanker. During the following three years
4 I spent half my time as master and half my time as a
5 watchkeeping engineer in the ocean fleet, at which time
6 I was asked to go down to South America and become
7 port superintendent of Port Talara in Peru.

8 My duties there involved not only operation of
9 the Port, but also included pilotage of some 800 ships
10 - five to six hundred ships a year, some of which I
11 did, and others done by subordinates.

12 I stayed in Talara for eight years, and shortly
13 after the outbreak of war joined the Royal Canadian
14 Navy as Lieutenant. I spent four of the next five
15 years afloat, and retired in October 1945 as a Captain
16 on the retired list of the R.C.N. I returned to
17 Imperial Oil at that time as superintendent of operations,
18 and about eighteen months later I was made assistant
19 manager, and last year was made manager.

20 —

21 —

22 —



1 English

2 Q. Captain Kelly, in paragraph 3 of the
3 brief it is stated as follows: "We do not agree that
4 compulsory pilotage or compulsory payment of pilotage
5 dues should be required by ships continuously engaged
6 in coast-wise trade and whose Masters and officers
7 are thoroughly competent to do their own piloting.
8 There are many ships engaged in coast-wise trade,
9 the Masters and officers of which have spent their
10 entire professional careers entering these ports and
11 it is from this group that several pilotage bodies have
12 drawn their recruits. It is unnecessary for such ships
13 to be required to take pilots or to pay dues."

14 Could you outline to the Commission,
15 Captain Kelly, the facts which enable you to justify
16 this statement?

17 A. I would like to stress that all my
18 comments are referred to Canadian flag ships solely
19 engaged in the coastal trade and do not apply to any
20 foreign-going ships of Canadian flag or other flag.

21 Our main concern is that area of the
22 Canadian coast east of Quebec but principally our
23 interest is in the Maritimes. We operate three coastal
24 ships, seven ships in the Lakes, and two self-propelled
25 barges, although these ships sometimes interchange
26 their normal trade routes.

27 The Masters of the coastal ships have
28 served with us from 19 to 30 years. Most of them have
29 been a minimum of 5, but more than likely 10 to 15
30 years trading in and out of Halifax into the ports of



1 English

2 Maritimes, Newfoundland and Labrador.

3 In the last two years the Port of
4 Halifax has provided an award for the ship that visited
5 that port more times in the year. The first time it
6 was won by the IMPERIAL HALIFAX. No ship may win
7 twice. The next year the QUEBEC and I think the SARNIA
8 the next year. These ships consistently operate in
9 and out of Halifax more than any other unit.

10 MR. ROBINETTE: Thank you, Captain Kelly.

11 COMMISSIONER SMITH: I would like to
12 ask you what in your opinion is the primary purpose
13 of pilotage? Is it safety, convenience, or is it
14 something else?

15 THE WITNESS: We would insist upon our
16 Masters taking a pilot if in their opinion the safety
17 of the ship required it. We always do insist that
18 the safety of the ship is the Master's prime responsi-
19 bility and we put no limitations on them at all. We
20 feel that ports that require pilots require them for
21 the casual visitor rather than the ship that is in and
22 out every two or three days. In fact we think that some
23 of our Masters have probably entered the Port of Halifax
24 and many ports on the Atlantic coast more times than
25 some of the pilots.

26 We have had the rather ironical situation
27 where a third officer has resigned to enter the pilotage
28 service and the next week he comes to pilot the ship
29 in which the Master with far more experience is not
30 entitled to pilot.



1 English

2 COMMISSIONER SMITH: Do you think in
3 confined and restricted waters that the pilot is not
4 necessary under the circumstances and conditions you
5 have just mentioned?

6 THE WITNESS: Which restricted waters?

7 COMMISSIONER SMITH: The tortuous River
8 St. Lawrence, for instance, or entering some of the
9 harbours that are difficult?

10 THE WITNESS: Let us take from Quebec
11 to Montreal. We would expect our Masters to take a
12 pilot not because the pilotage is not probably possible
13 for a man who had made frequent trips up there but it
14 is too long a pilotage stretch for a Master to assume
15 in addition to his other duties. We would have no
16 argument whatsoever on pilots from Quebec to Montreal.

17 COMMISSIONER SMITH: And your ships
18 always have them on that route?

19 THE WITNESS: Yes.

20 COMMISSIONER SMITH: What about other
21 routes you mentioned? When you say "ships" do you
22 mean tankers?

23 THE WITNESS: Yes, we have nothing else
24 but.

25 COMMISSIONER SMITH: Do they go into
26 St. John?

27 THE WITNESS: Yes.

28 COMMISSIONER SMITH: They take pilots
29 into the harbour of St. John?

30 THE WITNESS: Yes.



1 English

2 COMMISSIONER SMITH: And other harbours
3 a little difficult to navigate?

4 THE WITNESS: On the east coast, as
5 you will note, some ports have compulsory pilotage and
6 some don't. Some have compulsory payment of pilotage
7 whether or not pilotage service is rendered. Some ports
8 have nothing and what we would hope the Commission
9 would recommend is something similar to what exists
10 on the west coast where coastal shipping is not
11 restricted by any pilotage requirements.

12 We have the situation if we send the
13 IMPERIAL HALIFAX out to operate out of Vancouver. She
14 may operate freely between any port in British Columbia
15 and the same privilege does not exist out of Halifax
16 to St. John's, Newfoundland.

17 COMMISSIONER SMITH: In those Districts
18 where pilotage is compulsory in the sense that you have
19 to pay the dues or take the pilot, what is the policy
20 of your Company?

21 THE WITNESS: Sometimes they take them
22 and sometimes they don't. In many cases where payment
23 of pilotage dues is compulsory the pilot is not avail-
24 able on arrival and the ship goes in and the dues are
25 paid. We had one rather ironical case where the pilot
26 called the ship on the radio and then told him he
27 regretted he could not get out and to come in himself.
28 We are not absolved for payment of dues. We are paying
29 for services which are not rendered.

30 COMMISSIONER SMITH: Thank you, Captain.



1 English

2 THE CHAIRMAN: Looking at the records
3 of Charlottetown I see there it is not compulsory in
4 any way and your Masters never use any pilots there?

5 THE WITNESS: No. We feel that we would
6 not want anybody to hazard any life or property by
7 elimination of pilotage which is felt necessary but
8 there are many ports that are perfectly safe for a
9 man who is thoroughly familiar. We feel that on a
10 Canadian owned, Canadian registered coast-wise ship
11 that the imposition of pilotage dues is unnecessary.

12 THE CHAIRMAN: What about the St. Lawrence,
13 the stretch there east of Quebec?

14 THE WITNESS: Les Escoumains to Quebec?

15 THE CHAIRMAN: Quebec to Escoumains.

16 THE WITNESS: This is one of the border
17 cases. The pilotage as far as Quebec would probably
18 be very simple. We had originally added Father Point
19 and it was moved inland. The pilotage from Father Point
20 to Escoumains was not required. It was a matter of
21 convenience, a base to operate from. We would not be
22 contentious on the question of Les Escoumains to Quebec.
23 It is a relatively simple passage and doesn't place
24 a long responsibility on the Masters as the continuous
25 voyage from Montreal to Quebec would.

26
27 CROSS-EXAMINATION BY MR. LALONDE:

28 Q. You have a pretty large fleet, I believe?

29 A. Very small now in comparison with what
30 we had. If we leave ocean shipping out we have three



1 English

2 coastal, seven lake, two self-propelled barges.

3 Q. Your request would apply only to the
4 coastal vessels?

5 A. With the exception of from Montreal
6 to Quebec our lake ships are not involved in pilotage
7 problems up in this end of the Lake.

8 Q. They don't go farther down?

9 A. As I say we are raising no question
10 between Montreal and Quebec of ships taking pilots in
11 that area.

12 Q. Is it not also a fact on your ships,
13 even though there are some of them which are exempt
14 under the present regulations from pilots in the Quebec
15 District, all take pilots between Les Escoumains and
16 Quebec?

17 A. Yes.

18 Q. As far as they are concerned it is
19 not compulsory?

20 A. No, not as far as the small lake ships
21 that may trade out that way. The small lake ships
22 only go out for a brief period and we would not expect
23 the man who had not made frequent trips to assume the
24 obligation of pilotage.

25 Q. In fact they do take pilots?

26 A. Yes, they do.

27 Q. I understand they also take pilots when
28 they go up the Saguenay to Chicoutimi?

29 A. We would assume that Chicoutimi owing
30 to the narrow channel and owing to the freshets would



1 English

2 always remain a compulsory pilotage area.

3 Q. I also heard you state you considered
4 all over the area between Escoumains and Quebec would
5 be what you would call a borderline case?

6 A. We would not be contentious over it
7 although I think you will admit ships making maybe 30
8 or 40 trips out of Quebec, it is not a narrow passage.

9 Q. These ships do take pilots?

10 A. Oh, yes, they do.

11 Q. I also noted you stressed the point or
12 comment or recommendations to apply only to Canadian
13 flag vessels?

14 A. Yes.

15 Q. You would not extend it to foreign
16 flag?

17 A. No. We have one under the Panamanian
18 flag. We would not be expected to be relieved of the
19 normal compulsory pilotage in a place like Halifax.
20 We don't feel the Masters are sufficiently familiar with
21 the port approaches. We do not wish to ask for anything
22 more than the exemption of our coastal ships which
23 are regular traders in that area.

24 Q. How many trips would you require to
25 consider them as regular traders? How many trips did
26 your ships do in Halifax last year?

27 A. The three coastal ships enter Halifax
28 about 60 to 70 times a year.

29 THE CHAIRMAN: Each?

30 THE WITNESS: Each. That is probably more



1 English

2 than most of the pilots make.

3 THE CHAIRMAN: I presume you always have
4 the same crew aboard those ships?

5 THE WITNESS: They are consistent except
6 during vacation, leaves, and so on.

7 THE CHAIRMAN: When you say "entered
8 into the Port of Halifax" do you mean entered and going
9 out of?

10 THE WITNESS: Seventy -- one passage
11 in and out is counted as one. They load seventy times
12 in a year.

13 MR. JACQUES: They would make 140 trips
14 through the harbour?

15 THE WITNESS: Yes.

16 MR. LALONDE: Q. You mentioned there
17 was some difficulty about Coudre Islands. Would
18 you not consider the difficulties around Coudre
19 Island bigger than around Red Island?

20 A. I don't know. I just say there are one
21 or two areas there. It is so long since I have been
22 down there I would not like to express an opinion. I
23 know that Island is a bottleneck.

24 Q. As a matter of fact, when were you last
25 sailing on the St. Lawrence River or in the Maritimes?

26 A. I haven't been afloat except during the
27 War since 1932.

28 MR. LALONDE: Thank you. My Lord, Mr.
29 Langlois, who was representing the Canadian Merchant
30 Service Guild and the Maritime Pilots could not be here



1 English

2 today. If he felt it necessary I would like the
3 opportunity to recall Captain Kelly.

4 THE CHAIRMAN: Yes. It would be
5 easier in Toronto, if you don't mind.

6
7 CROSS-EXAMINATION BY MR. BRISSET:

8 Q. You are aware there are British flag
9 vessels doing coasting on the east coast?

10 A. Yes.

11 Q. Assuming such vessels would do as many
12 trips as your own vessels in Halifax, for instance,
13 would you think that they should be obliged to take
14 a pilot simply because the ship flies the British
15 flag instead of the Canadian?

16 A. I am afraid if we had ships under those
17 conditions I would be reluctant to ask for the
18 privileges myself.

19 Q. Even if such ships were crewed up by
20 Canadian Masters, officers and seamen?

21 A. We are not faced with this problem. I
22 am not faced with it but I would not want the Master
23 of any of our ocean ships to attempt to come in to
24 Halifax with a ship of 50 or 60,000 tons and expect to
25 do his own piloting.

26 Q. I am speaking of a coastal vessel making
27 the same number of trips as your own but simply flying
28 the British flag?

29 A. I am afraid I must confine my interest
30 to those flying the Canadian flag.



1 English

2 Q. I don't want to place you in an embarrass-
3 sing position. One of the recommendations contained
4 in your brief, Captain, is this one in paragraph 2 (c):
5 "That pilotage should be compulsory for all ships
6 engaged in foreign trade."

7 A. Yes.

8 Q. As you may be aware in some countries,
9 like France, for instance, where pilotage is compulsory,
10 the penalty for the ship that does not take a pilot
11 is to pay the pilotage dues. Should I construe your
12 recommendation as in accord with this?

13 A. I operate a number of chartered ships
14 of various flags. I expect them to pay the full
15 pilotage dues coming in to Halifax, Montreal, or
16 any other port. I don't look for any relief from either
17 compulsory pilotage or payment of pilotage. While this
18 ship may come today with an experienced man on, it
19 may come back on the next trip with someone who is
20 inexperienced. I have no interest in the safety of
21 ship. I am interested in the delivery of the cargo.

22 Q. In other words, you are not suggesting
23 that if one of your ships comes in to Halifax and, for
24 instance, no pilot is available or the pilots are on
25 strike or some other reason, the ship will be obliged to
26 anchor and wait even if the Master feels that he could
27 come in safely and will pay the pilotage dues?

28 A. I don't have the same interest. The
29 Master is responsible to the owners for the safety
30 of the ship. On any chartered ship I am interested in



1 English

2 the oil in that ship to see that it gets to our tankers
3 and is not around the Halifax harbour. I have no
4 control over whether the Master decides to come in if
5 a pilot is not available and he feels he is competent.
6 That is his problem and he has to solve that for himself.
7 If I myself were faced with the situation of arriving
8 at a port where there was no pilot available, I would
9 do in my mind what I felt was safe and enter the port.

10 Q. In other words, you are not suggesting
11 in circumstances of this kind a ship should not come in
12 or just go back home?

13 A. No, no.

14 MR. BRISSET: Thank you.

15
16 CROSS-EXAMINATION BY MR. JACQUES:

17 Q. Captain, you have confined your remarks
18 to the number of trips your ships make in the Maritimes
19 to the Port of Halifax. Are there any ports in the
20 Maritimes where your ships take a pilot as a matter of
21 course?

22 A. May I refer to my notes, please? Saint
23 John, New Brunswick, we always take pilots at the
24 present time owing to the tides, currents, and
25 frequently the freshet that is running down into
26 Cortney Bay. There is a silting problem which is
27 quite prominent there and frequently dredgers are
28 working. We are planning, I believe, to try and move
29 out of that area which maintains that picture. We are
30 using pilots at the present time.



1 English

2 Q. Even if pilotage were not compulsory,
3 even if the payment of pilotage was not compulsory, you
4 would still take pilots, if pilots were available?

5 A. When you are faced with compulsory
6 pilotage you might as well get something for your money.
7 We have in some cases gone into Courtnay without but
8 Courtnay is probably another one of the fringe
9 cases where local conditions make use of a pilot wise.

10 Q. Now what about other ports?

11 A. St. John's, Newfoundland, pilotage is
12 unnecessary, but is used.

13

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1 Q. Because you pay for it; is that it?

2 A. I am not sure whether that is compulsory
3 or not, but it certainly is a port where a ship making
4 25 or 30 trips a year coming around the harbour entrance
5 and going to the marginal pier does not require the
6 services of a pilot. Charlottetown is not used and I
7 do not think there is any pilotage service available
8 there.

9 THE CHAIRMAN: There is one, yes. There are
10 one or two pilots in Charlottetown, but it is not
11 compulsory anyway.

12 THE WITNESS: The ports of Newcastle,
13 Chatham and Bridgetown we feel require pilotage owing
14 at the present time to the ^{shifting} nature of the bar. I believe
15 there is some project planned to dredge that. If it
16 were dredged the situation might change. In Curling,
17 at Newfoundland there is compulsory pilotage, but it
18 is certainly not required with a ship which is making
19 frequent trips.

20 MR. JACQUES:

21 Q. That is in Humber Bay?

22 A. Yes. In Lewisporte there is no pilotage
23 and it is not required. In Port Borden there is no
24 pilotage used and I do not think there is anybody in
25 Port Borden. If there is we have never met him.
26 In Chicoutimi, pilotage is there and essential. In
27 Rimouski it is not necessary and it is, I believe,
28 rarely if ever - I do not think anybody ever presents
29 himself, or rarely. But it is a port of easy entrance
30 and it does not require pilotage. In Sept. Isles it is



English

1 not necessary and not taken. There are a number here
2 - Baie Comeau, Forestville, Port Alfred, Gaspe,
3 Chandler, St. Anthony, Twillingate, Goose Bay, Port
4 aux Basque, Sydney, Nova Scotia, that is about all.

5 Q. Shall we include Halifax in the Maritimes?

6 A. Yes.

7 MR. LALONDE: What about this last list of
8 ports which were given?

9 THE WITNESS: There are no pilots in most of
10 those. But we have the situation where the master has
11 to go into a large number of ports where there is no
12 pilotage service and having to take a pilot in other
13 ports where the services are - as far as we are concerned
14 we feel they are most unnecessary and we are paying for
15 a service that is not required.

16 MR. JACQUES:

17 Q. This list of ports you have just given
18 are ports where your coastal ships call regularly?

19 A. Yes.

20 Q. And these are ports where you feel you do
21 not have to take a pilot even for security reasons?

22 A. No, none whatsoever.

23 Q. What about your masters now? How do you
24 choose your masters, because local knowledge is something
25 which belongs to a master and is not attached to a ship?

26 A. All our masters have been with us 20 to
27 30 years. Most of them have spent their entire lives
28 with us. On the east coast all the officers and men
29 have never served elsewhere other than on the east coast.

30 Q. Would you have the qualifications of your



English

1 masters on hand?

2 A. We have a sample of them here - Ostedahl.

3 Q. Is he a master? He is a Captain?

4 A. Yes, he is a master. For two of the
5 last five years..... I could give this document to
6 you.

7 MR. JACQUES: Might we file this as an
8 Exhibit? I should like to file this document, my Lord,
9 as Exhibit No. 1133. It is entitled Statement of
10 Experience and Qualifications of Imperial Oil
11 and masters trading in the Maritimes.

12 Q. Is that correct, Captain?

13 A. Yes.

14 ~~---~~ EXHIBIT NO. 1133, Statement of Experience and
15 Qualifications of Imperial Oil
Masters trading in the Maritimes.

16 Q. What is the accident record of your
17 coastal vessels?

18 A. Very good. We have had very little
19 trouble and as a matter of fact our record
20 for the whole fleet is excellent.

21 Q. Even without pilots?

22 A. Yes. We have never had any problems.
23 The only problem we have had of a ship stranded was in
24 a port where there was no pilot anyway.

25 Q. Wasn't one of your vessels involved in a
26 collision in Halifax?

27 A. That case is still before the courts so
28 probably it is not befitting that I should comment on
29 my viewpoint of responsibility.

30 Q. I agree with you. Are there any other



English

major accidents?

A. No, but I think it might be well if I mention here that in July of 1960 we had to apply to the Department of Transport to Mr. Cumyn to do something in Halifax to stop the continual knocking down of our docks by pilots. I have here the terms of reference of the committee which Captain R. D. Jones established in August of that year.

I must say from that time on the record has been much better. This was not all coastal ships; this was ocean ships. We were getting a little annoyed at having to re-build the docks every few months.

MR. JACQUES: Thank you very much.

COMMISSIONER SMITH: Captain, I would like to ask you one question. Would you refer to the top of page 2 of your brief? I read these words: "On the west coast all coast-wise shipping is exempt from compulsory pilotage but this same freedom does not exist on the Atlantic coast."

I cannot find in the by-laws where there is any distinction made between the Atlantic and the Pacific on this question of exemption from compulsory pilotage.

When the Commission was on the west coast there was some evidence given before us that a custom had grown up there and a sort of reciprocal arrangement between the pilots of Washington and Oregon States with the Province of British Columbia, where they allow this practice to continue. But there is some question whether it is a legal enforcement of the by-laws as they exist.



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO
English

Kelly, dir-ex 15922
(Jacques)

1 THE WITNESS: We operate ships out on the
2 west coast.

3 COMMISSIONER SMITH: Yes, I know. What you
4 say there is..... I do not question the statement,
5 that there is some question as to whether the
6 regulations are being strictly enforced there the same
7 as they are in other places.

8 THE WITNESS: I am not familiar with
9 Washington, Sir, but we operate ships out of Vancouver,
10 Victoria, Nanaimo, Hardy Bay, Prince Rupert and so on.
11 Those ships from the time they were sent out there in
12 1938 have never had a pilot on board under any cir-
13 cumstances.

14 THE CHAIRMAN: I think this comes under the
15 exemption of 346(e) (1) - ships employed in voyages
16 between ports in the same province. With regard to
17 the co-operation that Commissioner Smith was talking
18 about with regard to ships coming from the United States
19 to British Columbia there is a kind of agreement there
20 where they do not take a pilot. This may be illegal
21 according to the letter of the law, but that is the
22 custom over there.

23 COMMISSIONER RENWICK: I should like to ask
24 Mr. Kelly if these ships sail on international waters
25 or if they do not touch the U.S. waters?

26 THE WITNESS: No. Our trade is confined
27 purely from Vancouver to Victoria and up the Skagway,
28 I believe.

29 COMMISSIONER RENWICK: All British Columbia?

30 THE WITNESS: All British Columbia. We have



English

no international trade.

MR. JACQUES: Do you go up to Prince Rupert?

THE WITNESS: Oh, yes.

CROSS-EXAMINATION BY MR. LALONDE:

Q. I think I heard the name of the port of Baie Comeau mentioned in your list?

A. Yes.

Q. You are required to take pilots in Baie Comeau?

A. I am not sure. It is a port that does not require a pilot. It is just inside a breakwater, as you know; But I doubt it. I mentioned that in the list of ports which we felt should not be subjected to compulsory pilotage.

Q. Do you go to the Government dock or the Company's dock at Baie Comeau?

A. I am not sure.

Q. I think I also heard the name of the port of Port Alfred in your list?

A. Yes.

Q. Have you any idea how many times your ships went to Port Alfred last year for instance?

A. No, I would not. I would have to refer to the records.

Q. I submit to you that they went very seldom.

Q. I would have to check that.

CROSS-EXAMINATION BY MR. MASON:

Q. Captain, in reply to a question put to you by my friend Mr. Lalonde as to your three coastal



English

1 vessels which at present carry pilots in the District
2 between Les Escoumains and Quebec, if the payment of
3 pilotage fees was not compulsory in that District
4 would your vessels still take pilots?

5 A. We would leave that entirely in the
6 hands of the master.

7 MR. LALONDE: If I may give evidence here,
8 my Lord, I submit exempt ships (that was my question)
9 - exempt ships at the present time do take pilots in
10 Quebec District of this particular Company.

11 THE CHAIRMAN: That was the answer he gave.

12 Coming back to Courtney Bay, you were trading
13 there a long time before the Courtney Bay channel was
14 deepened to, I think it is 18 feet now?

15 THE WITNESS: Yes, but we were using much
16 smaller ships at that time.

17 THE CHAIRMAN: And you were used to the
18 freshet conditions there?

19 THE WITNESS: Yes.

20 THE CHAIRMAN: And also the question of tide?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: I think your Company made a
23 rule with regard to the safe time to enter. Do you
24 recall that rule?

25 THE WITNESS: No, Sir.

26 THE CHAIRMAN: We have in evidence that the
27 rule was two hours prior to high water and two hours
28 after.

29 THE WITNESS: It could be.

30 THE CHAIRMAN: Apparently this was issued by



1 the Company to the effect that their masters should not
2 get into Courtney Bay at any other hour. You do not
3 recall?

4 THE WITNESS: I do not recall it. We would
5 feel St. John, New Brunswick is a port where probably
6 the use of a pilot, as far as going to that berth in
7 Courtney Bay, it is wisely taken.

8 THE CHAIRMAN: It is even more difficult than
9 the main harbour?

10 THE WITNESS: Oh, Yes.

11 THE CHAIRMAN: St. Johns, Newfoundland?

12 THE WITNESS: That presents no problems. It
13 is just, as you know, an entrance and we are on the
14 port side as you go in and there is a marginal pier.
15 They are in there every three or four days.

16 THE CHAIRMAN: The biggest hazard there
17 being the fishermen?

18 THE WITNESS: The cables. Well, they
19 have cleaned the cables off the bottom of the harbour
20 now.

21 THE CHAIRMAN: Are there any further
22 questions of Mr. Kelly?

23 MR. JACQUES: No, my Lord.

24 THE CHAIRMAN: Thank you, Captain.

25 (THE WITNESS WITHDREW).

26 MR. JACQUES: My Lord, I am sorry, I have
27 run out of witnesses again and we have no witnesses
28 for to-morrow.

29 THE CHAIRMAN: As our Counsel may have told
30 you, Mr. Robinette, you may respond now or later on in



English

Ottawa.

MR. ROBINETTE: Thank you, my Lord; I will defer my response; thank you.

THE CHAIRMAN: We have kept to our schedule and we have no witnesses for to-morrow. It was impossible to change the schedule for next week. So therefore we have only to return Monday morning at 10:00 o'clock.

Have you anything to add, Mr. Lalonde?

MR. LALONDE: I would like to express the dissatisfaction of my clients with regard to the fact that we are going to begin next Monday, I understand, to hear the evidence of the Dominion Marine Association, and the fact that we have not been able yet to have a brief of that organization available.

As far as the St. Lawrence River and the Great Lakes are concerned it is quite obvious that the principles of the pilots themselves and the Dominion Marine Association and the Shipping Federation are important principles and they are principles representing, let us say, the main parties or the mainly interested people in the problem of pilotage.

I cannot help feeling that my clients and myself will be put at some disadvantage by the fact that a brief of substance like this one might not be available before. As you know, in Montreal the brief of the Shipping Federation and the brief of the River Pilots was available much before we finally reached a time when we could hear the evidence and I only want to say that I hope that my friends of the Dominion Marine



English

1 Association will not take offense if maybe in some
2 instances we make a request that cross-examination of
3 some witnesses may be delayed, if we feel we have not
4 had time to prepare correctly for the cross-examination.

5 THE CHAIRMAN: I may say that this concern
6 is shared also by the Commissioners, because we would
7 have liked very much to have looked at the briefs
8 prior to them being filed here and before we hear the
9 evidence. The circumstances are unfortunate. Maybe
10 they experienced that also, because I think the pilots'
11 brief was supposed to be in 15 days prior to the begin-
12 ning of the hearings in Montreal, and it was only
13 during the hearing that it was brought out - prior to
14 your evidence anyway.

15 MR. LALONDE: Much prior, my Lord.

16 THE CHAIRMAN: Much prior, because our
17 evidence was much longer than we thought. In any
18 event there is not much we can do and I am sure those
19 concerned have done their utmost to expedite things.
20 We would appreciate if those briefs be available
21 during the weekend. Commissioner Renwick is going to
22 be here. I think Commissioner Smith is going to be
23 at home, so I might say it will be impossible for us....

24 MR. BRISSET: I can assure the Commission
25 the brief of the Shipping Federation will be ready on
26 Saturday morning and will be delivered to all those
27 we can reach on Saturday morning.

28 THE CHAIRMAN: Here in Toronto? So do not
29 try to deliver mine or Mr. Smith's.

30 MR. BRISSET: We will make arrangements



1 with our friends the pilots to deliver the briefs to
2 them too.

3 THE CHAIRMAN: Is there anything further to-
4 night?

5 We will now adjourn until Monday morning at
6 10:00 o'clock here.

7 ~~---Whereupon~~ the Hearing was adjourned until Monday,
8 the 13th day of April, 1964, at 10:00 a.m.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

TORONTO ONTARIO

VOLUME No.:

125

DATE:

April 13, 1964

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BOARD OF TRADE BLDG.
11 ADELAIDE ST. W.
TORONTO

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Monday, the
13th day of April, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. John J. Mahoney Mr. Colin Mason	for the Dominion Marine Association
Mr. Leopold Langlois Q.C.	for the Canadian Merchant Service Guild.



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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

English

263 McCaul St. 15929
Toronto, Ont.
April 13, 1964.

1 THE CHAIRMAN: I think it is your turn, Mr.
2 Mahoney.

3 MR. MAHONEY: Thank you, my Lord. Mr.
4 Mason, I think, arranged to have some copies delivered
5 to the Commission and to the representatives of the
6 pilots. I have further copies in my brief; I think
7 maybe something over twenty in all, and there are more
8 available. I understand, after some difficulty with
9 Mr. Jacques, that the Exhibit number is 1134.

10 THE CHAIRMAN: That is right.

11 ---EXHIBIT 1134: Brief of Dominion Marine Association.

12 MR. MAHONEY: With respect to the brief,
13 before I call our first witness, my Lord, I would like to
14 say that we would ask to reserve the right to file a
15 very short supplementary brief later on dealing with
16 some of the technical side of the recommendations which
17 we are making in more detail; specifically, where in
18 our recommendations we are suggesting a commission or
19 board to administer pilotage matters, at a later date
20 if it would be helpful to the Commission. I would be
21 prepared to file a very short supplementary brief
22 showing how we think that should be set up. At the
23 moment we did not have the opportunity to do that.

24 THE CHAIRMAN: We would appreciate that
25 very, very much. Also you may see that at that time
26 what the others have recommended and so make up your
27 mind also as to what is suggested; if it is all right,
28 or if not, what is wrong with it.

29 MR. MAHONEY: It was not a question of
30 wishing to call further evidence in support of that.



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TORONTO, ONTARIO

English

Collison, dir.ex.
(Mahoney)

15930

1 THE CHAIRMAN: No. Just argument.

2 MR. MAHONEY: In fact we can submit that
3 prior to the argument in Ottawa.

4 THE CHAIRMAN: Or even in Ottawa if you
5 want.

6 MR. MAHONEY: My Lord, I should like to
7 call as a witness for the Dominion Marine Association,
8 Mr. William Earl Collison.

9 WILLIAM EARL COLLISON, Sworn.

10 THE CHAIRMAN: Your age?

11 THE WITNESS: 60.

12 THE CHAIRMAN: Your occupation?

13 THE WITNESS: I am manager, Quebec &
14 Ontario Transportation Company Limited.

15 THE CHAIRMAN: Your address?

16 THE WITNESS: 539 Victoria Avenue,
17 Westmount, Quebec.

18 DIRECT EXAMINATION BY MR. MAHONEY:

19 Q. Would you speak up as much as you can
20 because there is no P.A. system in this room and the
21 acoustics are not too good. Your name is W. E.
22 Collison and you said you were manager of Quebec &
23 Ontario Transportation Company?

24 A. That is right.

25 Q. How long have you been engaged in the
26 shipping business, Mr. Collison?

27 A. I have been in the shipping industry
28 for thirty-three years.

29 Q. Have you spent all of that time with
30 Quebec & Ontario Transportation Company?

A. No, I spent nine years of that with the



1 N.M. Paterson Company.

2 Q. Now, Mr. Collison do you have any cert-
3 ificates as a ship's officer, or have you ever been in-
4 volved in the actual operation of the ships?

5 A. No, I have not. I am not certificated
6 as an officer of a ship. I have always - my experience
7 has always been in the operating end of the business.
8 Operating of ships.

9 Q. Your duties then are purely administrative
10 duties?

11 A. Administrative duties in respect to the
12 ships.

13 Q. Are you an officer of Dominion Marine
14 Association?

15 A. Yes, sir.

16 Q. What office do you hold?

17 A. President of Dominion Marine Association.

18 Q. How long have you held that office?

19 A. For two and a half years.

20 Q. Is Quebec & Ontario Transportation
21 Company a member of Dominion Marine Association?

22 A. Yes, sir.

23 Q. Would you please tell the Commission,
24 Mr. Collison, which companies make up the Dominion
25 Marine Association?

26 A. You mean the companies or the number of
27 companies?

28 Q. Well, the number of companies first of
29 all, please.

30 A. Dominion Marine comprises twenty-one



lake shipping companies who have a total of 152 vessels;
some 890,000 gross tons register.

Q. And the actual companies that make up
that membership - if you want to refer to notes, Mr.
Collison.

A. I may not have it complete. I don't
have a list here.

Q. I should like it read into the record.

A. Fine. Thank you. This ^{is} /appendix one
in the brief. These are the members of the Dominion
Marine Association: Algoma Central and Hudson Bay
Railway Company, British American Oil Co. Limited,
Bayswater Shipping Limited, Canadian Pacific Railway
Company, Canada Cement Transport Limited, Canada
Steamship Lines Limited, Carryore Limited, Hindman
Transportation Co. Limited, Hall Corporation of Canada,
Lakeland Tankers Limited, National Sand and Material
Co. Limited, Northwest Steamships Limited, N. M.
Paterson & Sons Limited, Quebec & Ontario Transportation
Co. Ltd., Scott Misener Steamships Limited, Shell
Canadian Tankers Limited, S. S. Texaco Brave Limited,
Transit Tankers and Terminals Limited, Upper Lakes
Shipping Ltd., Valley Camp Coal Co. of Canada Ltd.,
Yankcanuck Steamships Limited.

That is the list of the members comprising
Dominion Marine Association.

Q. Now, Mr. Collison, of your own know-
ledge are all of these Companies members of the Association?

A. Yes.

Q. Would you tell the Commission, sir,



1 generally what are the objects of the Dominion Marine
2 Association.

3 A. Well, the objects of the Dominion
4 Marine Association are the betterment of navigation
5 throughout the Great Lakes area and the River and Gulf
6 of St. Lawrence, which has been carried on for many
7 years.

8 Q. Do you know how old the Dominion Marine
9 Association is?

10 A. Yes. The Dominion Marine Association
11 celebrated its 60th anniversary last year.

12 Q. Has this history of the Association
13 been a constant one or have there been gaps in it?
14 Is it a complete record.

15 A. In the majority, it is a complete record.
16 There have been odd gaps where it has not functioned.
17 Very small gaps I believe. I am not sure of the dates.

18 Q. The present Association as it is now
19 set up, do you recall, Mr. Collison, when that came into
20 being?

21 A. Some sixty years ago.

22 Q. I mean as it is presently set up. You
23 said there were gaps in the history of the Association.
24 The set-up as it is now, do you recall off-hand how far
25 back that goes?

26 A. Oh, I would say the last gap would
27 probably be around 1928. 1927 and 1928.

28 Q. So that since that time at least there
29 has been continuous ---

30 A. Continuous support.



1 Q. Is the Dominion Marine Association an
2 incorporated Association?

3 A. Yes. It is incorporated under Part 2
4 of the Canadian Companies Act.

5 Q. You said I think earlier the number of
6 ships which were registered with the Association at the
7 present time - what was that again?

8 A. One hundred and fifty-two.

9 Q. Is that a constant figure or is it one
10 which changes?

11 A. This figure has varied a bit. It is due
12 to the fact, of course, of disappearance of some of the
13 canal fleets by scrapping and so forth. There has been
14 some variation in probably the total number of ships.
15 I couldn't exactly say the number.

16 Q. Would the same thing apply to the total
17 gross tonnage? I think you said it was about nine
18 hundred thousand.

19 A. Eight hundred and ninety thousand.
20 This has increased in accordance with the increase in
21 the size of the ships that are now plying the Great Lakes
22 and the River and Gulf of St. Lawrence.

23 Q. Do you know how many, roughly how many
24 shipping companies of any size - more than one or two
25 ships - are engaged in the lake shipping industry that
26 are not members of the Dominion Marine Association?

27 A. Yes. There are several shipping
28 companies. There is the Mohawk Navigation, Beanconsfield
29 Steamship Company. I am not sure of the others. I think
30 there are several. The Reoch Steamship Company are not



1 members.

2 Q. Very roughly would you have any know-
3 ledge of the proportion of size of these non-member
4 companies and the member companies in tonnage?

5 A. Well, they would be small compared to
6 the over-all tonnage of the Association. They would
7 probably represent in gross tonnage the neighbourhood
8 of probably seventy-five thousand tons, gross register.

9 Q. Now, of the one hundred and fifty-two
10 ships which you say are registered with the Association,
11 are these ships all of roughly the same size, or do they
12 fit into various categories?

13 A. Well, they would fit into various
14 categories. You have still the small tonnage vessel
15 which is operated in certain trades. This is a vessel
16 developed prior to the Seaway. It is still in operation;
17 especially in the newsprint and pulpwood trades this
18 type of ship is generally required.

19 Q. In that category what would be the
20 average gross tonnage of the ships?

21 A. Average gross tonnage, well I am not
22 quite sure. You mean total gross tonnage?

23 Q. No, the average.

24 A. It would be up to 4,000 tons. Between
25 2,000 and 4,000. 1,500 to 4,000.

26 Q. In that category you say that this is
27 comprised of the canal size ships. Are these then all
28 ships that were built before the opening of the St.
29 Lawrence Seaway?

30 A. Some of these ships have been built



1 after the opening of the Seaway.

2 Q. Are they identical with the old canal
3 size ships.

4 A. They would be slightly larger in size
5 than the old canal ships.

6 Q. When you say the old canal ships, how
7 old would most of those vessels be now, on the average?

8 A. Well, I would say some of them would be--
9 in 1954 they were built. 1954, 1955.

10 Q. So that they were built just shortly
11 before the opening of the Seaway?

12 A. That is correct.

13 Q. So that they are old in type?

14 A. We refer to them as the older type of
15 ship.

16 Q. The newer ships falling into that same
17 category, Mr. Collison, what would be the difference in
18 type between that ship and the old canaller class?

19 A. They would have some coasting class.
20 The latest ones, the coasting class, they average around
21 about 4,000, 4,500 tons. Dead weight.

22 Q. They would fit under the 4,000 ton?

23 A. Yes, their gross register under 4,000.

24 Q. Do you know how many of the one hundred
25 and fifty-two ships in the Association fall into that
26 category?

27 A. About eighty some ships.

28 Q. What percentage of the total would
29 that be?

30 A. About fifty-four per cent. Fifty-five



English

1 per cent.

2 Q. What other categories are there
3 in an over-all look at the lake fleet?

4 A. Well, the category of the medium-size
5 ship from 4,000 up to 10,000, there is around forty-one
6 of these ships in service today, which represents about
7 twenty-seven per cent of the over-all fleet.

8 Q. Can you describe very generally what
9 sort of ships are they?

10 A. This has been classed as upper lake
11 type of ships, which of course since the Seaway, can
12 navigate into below Montreal.

13 Q. Are these newer ships or are they old
14 ships?

15 A. Medium size upper lakers are mostly on the
16 old side.

17 Q. Have there been any ships in this
18 category built to your knowledge since the opening of
19 the Seaway or shortly before?

20 A. Yes, there has been probably five or
21 six of this class of ship. Probably three or four
22 built of this size.

23 Q. Why would ships of that size be built
24 now?

25 A. Because they are required in this
26 inland Great Lakes water in trade.

27 Q. What is the next category of ships
28 which fit within the industry?

29 A. They are the very large upper lakers
30 which come into being with the Seaway. Recorded with



1 the Association there are some eighteen of these vessels.
2 Eighteen of these vessels comprise - twenty-eight
3 comprise about eighteen or nineteen per cent of the
4 over-all tonnage registered with the Association.

5 Q. These figures that you have given us as
6 to the number of ships and the percentages, where do
7 you get these figures?

8 A. From the records of the Association.

9 Q. What sort of records does the Assoc-
10 iation keep of the individual ships.

11 A. They keep a registry of each ship and
12 particulars pertaining to its year of build, its
13 dimensions, its net gross and dead weight capacities,
14 and other pertinent features of the ship; who the owners
15 are and where it is registered, et cetera. This is kept
16 in the records of the Association.

17 COMMISSIONER SMITH: Do you mind an inter-
18 ruption, Mr. Mahoney? Mr. Collison, what is the
19 largest laker that moves out of the lakes, down the
20 St. Lawrence River, for instance, to Seven Islands?

21 THE WITNESS: These ships would be 26,000
22 and some tons dead weight. Do you mean the dimensions,
23 sir?

24 COMMISSIONER SMITH: No. I am thinking of
25 the type of ship of the size, for instance, the MURRAY BAY.
26 Would she move out of the lakes down the river?

27 THE WITNESS: Yes, she could move out of
28 the Great Lakes, the MURRAY BAY, down to Seven Islands.

29 COMMISSIONER SMITH: Would the largest built
30 lakers be able to move also out of the lakes down the



1 river?

2 THE WITNESS: The present ships comprising
3 Great Lakes fleets in this category could all move
4 through the Seaway to the lower river.

5 THE CHAIRMAN: In the Soo last fall we heard
6 as a result of the enlarging of the lock over there the
7 Americans are building quite a bigger ship again.

8 THE WITNESS: Well, this is a separate thing
9 entirely. This is one of the latest developments. This
10 ship is on the drawing board at the present time. There
11 is no ships like that available at present. The
12 dimensions of that ship you are talking about will not
13 be able to navigate the St. Lawrence Seaway system.

14 BY MR. MAHONEY:

15 Q. Along that line, Mr. Collison, is it
16 conceivable that more ships of that very large size
17 would be built through the years?

18 A. Yes, I would think so, with the
19 development of ^{taconite} ores in the Lake Superior region, this
20 type of ship will develop.

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1 Q. Would the building of ships in that
2 category make any difference in the situation which
3 existed before the opening of the Seaway? Would they
4 not be similar to that situation?

5 A. In which way? Do you mind repeating
6 the question, please, sir?

7 Q. The building of these very large ships
8 which cannot navigate through the Seaway, would that be
9 any different from the situation which you had before
10 the St. Lawrence with upper lake ships tied into the
11 system and not able to navigate Montreal?

12 A. Yes. I think this would have developed,
13 the larger type of ship to take care of this movement
14 of ore. This is an economic factor in the delivery of
15 iron ore to furnaces which is bound to develop over the
16 years.

17 Q. Is this any different from the system
18 which was in effect before the opening of the Seaway?

19 A. No.

20 Q. The same system?

21 A. Yes.

22 THE CHAIRMAN: Except that they will not be
23 able to come into Lake Ontario.

24 THE WITNESS: They will not be able to
25 navigate the Welland Ship Canal or the Seaway system.

26 MR. MAHONEY:

27 Q. So that it is even more restricted?

28 A. Yes.

29 Q. Can you tell the Commission, Mr.

30 Collison, is there a minimum limit on the size of ships



English

1 which are registered in the Association, or do you
2 recall that?

3 A. I do not recall it. I do not think
4 there is a limit to the size of ship that can be
5 registered with the Association.

6 Q. As a practical matter do you know of
7 your own knowledge roughly what the smallest size of
8 ship would be registered with the Association?

9 A. Probably a thousand gross tons registered.

10 Q. In your own company, Mr. Collison, how
11 many ships do you have?

12 A. We have six.

13 Q. Roughly what categories, what of the
14 three categories do these ships fall into?

15 A. Our ships all fall into the category
16 of the 1,000 to 4,000 tons gross registered.

17 Q. Within that category what are the
18 comparative sizes? Are they all roughly the same size?

19 A. No. Three of those are canalers; the
20 rest are small, medium upper lakers of up to 6,000 tons
21 dead weight, which are below the 4,000 gross registered.

22 Q. How old are those ships?

23 A. Some of them date back to 1928; some as
24 late as 1954 and 1955. In fact there are two converted
25 barges which were built in 1898.

26 Q. How long have they been owned by your
27 company?

28 A. About twelve years. They are converted.

29 Q. Is that the PIC RIVER?

30 A. PIC RIVER and BLACK RIVER.



1 Q. When you say they were converted; in
2 what way were they converted?

3 A. New sterns put on them and diesel
4 engines installed.

5 Q. Have many ships been converted in that
6 way?

7 A. Not many. Some ships have been con-
8 verted from steam to diesel.

9 Q. The ships owned by your companies; are
10 they generally cargo carriers or specialized ships of
11 any kind?

12 A. Well, they are more or less specialized.
13 They carry newsprint and pulpwood and so forth. They go
14 around our pulpwood loading ports and it is a matter of
15 delivery of newsprint.

16 Q. Would you say they are specialized
17 carriers for newsprint?

18 A. Yes, I would say that.

19 Q. But in addition to that do they carry
20 other cargoes?

21 A. Yes. They carry bulk cargoes such as
22 grain, coal and ore.

23 THE CHAIRMAN: On the return trip, I
24 suppose?

25 THE WITNESS: Yes, that is right.

26 MR. MAHONEY:

27 Q. Generally what trades does your company
28 engage in?

29 A. We are in the pulpwood and newsprint and
30 bulk cargo trades, grain, ore and coal. Ordinarily those



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

English

Collison, dir ex
(Mahoney)

15943

1 are the trades we are in.

2 Q. Do you carry any packaged freight?

3 A. No, sir.

4 Q. Are the trips which your vessels make
5 coasting trips or coasting voyages, or are they inter-
6 national voyages?

7 A. About 60% of our voyages are inter-
8 national and about 40% coasting.

9 Q. When you say that they are international
10 voyages, sir, would you give an example of from what port
11 to what port?

12 A. Well, we move from Canadian ports to
13 American ports with newsprint regularly and we return
14 usually with American grain.

15 Q. When you say American ports are these
16 Great Lakes ports or American ports along the coast?

17 A. Our regular runs are from Baie Comeau
18 to Chicago or Thorold to Chicago. We return from
19 Chicago and Milwaukee with American grain to the St.
20 Lawrence and to other areas such as Toronto and Kingston.

21 Q. Would you describe an average coastal
22 voyage which might be engaged in by one of your ships?

23 A. This would be the movement of pulpwood
24 from Heron Bay to Lake Superior and Thorold or from
25 Baie Comeau to Shelter Bay to Thorold - coastal voyage.

26 Q. Generally speaking are the waters through
27 which the ship travels on both the coastal voyages and
28 the international voyages the same or different?

29 A. I would class them as the same. The
30 waters are there whether it is international or coastal.



English

1 Q. Is it in the same general area?

2 A. It is in the same general area, that is
3 true.

4 Q. You spoke of a proportion of international
5 trade to coasting trade. Do you know whether this pro-
6 portion is generally similar throughout the industry?

7 A. Yes, that is similar.

8 Q. What was that proportion again?

9 A. International trade about 60% and
10 coasting around 35 to 40 per cent.

11 Q. Is that a fluctuating figure, Mr.
12 Collison?

13 A. No; it has been more or less constant
14 over the past ten or twelve years. To my knowledge it
15 has not varied. This may vary a little bit from year
16 to year depending upon the American grain movement in
17 the Lakehead, export grain coming down the coast.

18 Q. Have there been any major changes in
19 the trade of the Canadian lake ships over, say, the past
20 ten years?

21 A. Yes. Since the Seaway the larger ships
22 have been able to navigate down to Seven Islands and as
23 far as Havre St. Pierre in the carriage of ore, which
24 has changed it a little bit, and this permits the
25 use of larger ships.

26 Q. Was this a trade which was carried on
27 before the Seaway opened in any way?

28 A. With smaller ships, of course. You have
29 to transfer all the grain at transfer points like Port
30 Colborne, Kingston and Prescott to smaller canal sized



1 ships.

2 Q. Is that true of the iron ore trade as
3 well?

4 A. Yes. The iron ore trade was handled
5 in this manner for a number of years prior to the opening
6 of the Seaway.

7 Q. When you say "for a number of years",
8 was this for a regular period of time?

9 A. No, a short period of time. You are
10 thinking of the Seven Islands iron ore?

11 Q. When did that Seven Islands iron ore
12 trade develop?

13 A. This developed several years before the
14 Seaway opened. This was around 1954, I believe, it
15 developed. This was all moved by canalers. But prior
16 to that there was foreign ore coming in from Norway,
17 other countries, which was transferred. But this was not
18 near the volume of ore that originates out of Seven
19 Islands at that time.

20 Q. Where would that have been transferred?

21 A. At Sorel to canalers, or Montreal.

22 Q. Would it have been transferred at
23 Contrecoeur?

24 A. Partly, yes. Later on when the Seven
25 Islands started to ship ore they developed Contrecoeur
26 at about the same time.

27 Q. Was the Contrecoeur developed as a
28 transfer port for Seven Islands ore?

29 A. Yes.

30 Q. What was the system used there as between



1 Seven Islands and Contrecoeur?

2 A. A large ship of around 20,000 tons trans-
3 ported ore and transferred to small canal sized ships for
4 the St. Lawrence canal and to rail at the time.

5 Q. Would this be the reverse of what was
6 happening on the Lakes more or less - that is, the use of
7 large ships and the transfer into the smaller ones?

8 A. Yes, you could say it is the reverse.

9 Q. Were the quantities of iron ore carried
10 in the trade before the Seaway opened very large as com-
11 pared to the quantities of today?

12 A. They would be smaller. I am not sure of
13 the quantities. They would be smaller than what is
14 being transferred today.

15 COMMISSIONER SMITH: On the question of iron
16 ore, Mr. Collison, are any of your ships engaged in the
17 movement of iron ore from the Mesabi ranges eastward?

18 THE WITNESS: No, no. The Mesabi is in the
19 United States, you are talking about? No, there are no
20 Canadian ships involved. There have been times when
21 the coasting laws have been reciprocal arrangements for
22 emergencies and Canadian ships have carried ore or vice
23 versa and United States ships have carried Canadian grain
24 during times of emergency, but not at the present time,
25 no. There are no Canadian ships carrying Mesabi ore
26 other than what has come into Canada. Or they may be
27 purchasing Algoma at the Soo from the steel mills at
28 Hamilton. I am not sure what quantity they import.

29 COMMISSIONER SMITH: What is your experience
30 in this business? Would you know what effect the move-



1 ment of iron ore will have on the opening of the
2 Labrador and Quebec ore fields - that is, the ore moving
3 from Seven Islands up to American ports on the Great
4 Lakes? What I am trying to find out is the balance of
5 the movement. Would there be more movement from Seven
6 Islands up than from Mesabi down in other carriers?

7 THE WITNESS: I do not think I am in a
8 position to answer that question. I am not involved in
9 our little fleet in the ore trade. But generally the
10 development of ore is increasing all the time, both
11 Mesabi and Seven Islands ore. Wabash will be coming
12 in next year, which will increase the shipments of ore
13 out of Seven Islands to the Lake area, and the Mesabi
14 ores will be increasing over the years too. If one is
15 going to ship more I am unable to say, because I am not
16 in the ore industry.

17 COMMISSIONER SMITH: No. There was some
18 suggestion, not in evidence before this Commission, but
19 outside it, that the Mesabi ranges were being somewhat
20 depleted and there would be less ore moving out of there
21 than previously.

22 THE WITNESS: Generally now they are
23 developing the lower grade ores into pellets and the
24 taconite, which will increase the production. This is
25 what you read. I am not an expert on the matter.

26 COMMISSIONER SMITH: Thank you very much.

27 MR. MAHONEY:

28 Q. I would like to clarify the point that
29 Mr. Smith raised a bit more. You said no Canadian
30 ships engaged in the carriage of iron ore from the



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1 Mesabi range. Did you mean in the international trade
2 or in the coasting trade?

3 A. In the coasting trade.

4 Q. The Mesabi ore originates in the United
5 States?

6 A. That is right.

7 Q. And is shipped from Duluth?

8 A. Originated in Duluth or Superior, that
9 is right.

10 Q. If the ore comes to Canada this would be
11 an international trade?

12 A. That is correct.

13 Q. Do Canadian ships engage in that trade?

14 A. Yes.

15 Q. If it goes to an American port this
16 would be American coasting trade; is that right?

17 A. That is it.

18 Q. Do any Canadian ships engage in that
19 at the moment?

20 A. In American coasting, no.

21 THE CHAIRMAN: Is there any particular
22 reason for that?

23 THE WITNESS: That is the United States
24 coasting laws. They will not permit a Canadian ship to
25 coast in their waters, only under emergency conditions
26 where it is reciprocal.

27 MR. BRISSET: Unless it is through Canada.

28 THE CHAIRMAN: That is the point I wanted to
29 make.

30 MR. MAHONEY:



1 Q. There are three types of trade then
2 on the Great Lakes - American coasting trade, Canadian
3 coasting trade and international trade?

4 A. Correct.

5 Q. Are American ships allowed to engage in
6 the Canadian coasting trade?

7 A. No, not at present.

8 Q. Nor Canadian ships in the American?

9 A. No, not at present.

10 Q. In that third category, the international
11 trade, do you have any idea of the proportions of cargoes
12 in that trade that are carried by American ships and are
13 carried by Canadian ships?

14 A. No; I do not have the figure in front
15 of me; but there is some ore being carried, some by
16 American ships from Canada to the United States.

17 Q. I was not thinking just of ore but of
18 all of the international trade on the Lakes. Do you
19 have any idea what the proportions would be carried
20 by Canadian ships and what the proportions would be
21 carried by American ships?

22 A. No, I do not have any idea of that
23 proportion.

24 Q. You said before the opening of the
25 Seaway the iron ore from Seven Islands and Contrecoeur
26 was carried in the small canal ships. Was this an
27 economic arrangement or was it a matter of necessity
28 because of the size of the canal?

29 A. Well, it was a necessity. I think the
30 development of Seven Islands had been completed prior to



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1 the opening of the Seaway.

2 Q. Is it the natural tendency in the iron
3 ore trade to use a large ship or a small ship?

4 A. The largest ship that can possibly be
5 used in the carriage of ore.

6 Q. And in the trade between Seven Islands
7 and Great Lakes ports now what class of ships is used
8 in that trade?

9 A. Ships anywhere from 10,000 to 26,000
10 tons dead weight.

11 Q. You are speaking of Lake ships?

12 A. That is right, Lake ships.

13 THE CHAIRMAN: Like the MURRAY BAY, the
14 SEVEN ISLES?

15 THE WITNESS: That is right, and the ships
16 in the 10,000 and up class.

17 Q. Are these classed as specialized car-
18 riers?

19 A. Yes. Well, they are referred to
20 sometimes ^{as} /super lake carriers. That is the only name
21 I know of, a special name.

22 Q. Do they carry only iron ore or other
23 cargoes?

24 A. No; they carry grain and coal, stone.

25 Q. All bulk cargoes; is that correct?

26 A. All bulk cargoes.

27 COMMISSIONER SMITH: I wonder, Mr. Mahoney,
28 if the Commission can get some definite information on
29 the point of just what ships are unable to engage
30 in the coastal trade of Canada? I know formerly



1 British registered ships had that privilege under some
2 agreement, but is that still in existence today?

3 MR. MAHONEY: Mr. Smith, there is presently
4 an amendment to the Canada Shipping Act which is before
5 the Senate. S. 7, I believe it is. I am not sure
6 whether it has gone to a committee of the Senate or not
7 as yet, but that Bill would change the coasting law to
8 a certain extent by restricting certain ports of
9 Canadian trade to the Canadian coastal trade, to
10 Canadian registered ships.

11 If the Commission desired I think I have a
12 copy of that Bill that I could find; but, as I say, it
13 is a pending Bill. The amendment has not been passed
14 yet. I am not even sure whether it has gone to commit-
15 tee.

16 COMMISSIONER SMITH: Up to the passage of
17 that Bill, what is the exact position?

18 MR. MAHONEY: Well, under the Canada
19 Shipping Act at present British registered ships are
20 entitled to engage in the Canadian coasting trade.

21 MR. BRISSET: Provided they are British
22 built.

23 MR. MAHONEY: Provided they are British
24 built, that is correct.

25 MR. LALONDE: Commonwealth built.

26 MR. MAHONEY: A licence to trade can be
27 granted to a non-British built but British registered
28 ship on the payment of the appropriate duty.

29 MR. LALONDE: Is it British or Commonwealth?

30 MR. BRISSET: "British" means Commonwealth.



1 COMMISSIONER SMITH: Does that come under
2 the British Commonwealth Shipping Agreement?

3 MR. MAHONEY: Yes.

4 COMMISSIONER SMITH: Just to pursue that
5 a little further, there are no other ships of any
6 other countries except the British registered ships
7 that are allowed to engage in the coastal trade of
8 Canada; is that correct?

9 MR. MAHONEY: That is correct.

10 COMMISSIONER SMITH: Thank you.

11 MR. MAHONEY: I should add to that that
12 under an amendment of some years ago it also includes
13 Irish ships, if you class them as British or not. Under
14 the amendments made some years ago they are given the
15 same privileges as Commonwealth registered ships, the
16 same as ^{an} individual citizen of the Republic of Ireland
17 has the same rights within the Commonwealth as a
18 Commonwealth citizen. But that is the only exception.

19
20
21 -

22
23
24
25 -

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27
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29 -



1 Then, Mr. Collison, is there any special-
2 ization in cargoes with respect to the various sizes of
3 lake ships? You have told us about iron ore being
4 carried in the large ships. Is that generally true?

5 A. Yes. The ore is generally in the
6 larger class of lake ship.

7 Q. And do the medium or smaller sized ships
8 engage in those trades as well?

9 A. Yes, at the present time they also
10 engage in this trade.

11 Q. Are the amounts carried by, say, the
12 smaller ships, the ones in the smaller category, the
13 amounts of iron ore, are they significant amounts or
14 a large proportion of the overall amount carried?

15 A. No, they would be in the minority,
16 the smaller class of ships. I am talking now of the
17 ten to twelve thousand ton.

18 Q. Do the smaller ships have any particular
19 trade in which they may engage and the larger ships do
20 not engage?

21 A. The medium sized laker, you have refer-
22 ence to?

23 Q. Medium and small?

24 A. They engage in the coal and grain trades
25 regularly.

26 Q. Do they have other trades they engage
27 in which the larger ships do not engage in?

28 A. They serve in ports where they cannot
29 accommodate the larger ships or super class laker. This
30 is due to the fact the development of the port is not



1 advanced to handle the larger laker. Presently the
2 medium sized lakers are enjoying this trade up to the pre-
3 sent time in conjunction with the movement of grain.

4 THE CHAIRMAN: Do you use the Richelieu
5 Canal?

6 THE WITNESS: No.

7 THE CHAIRMAN: Only the smaller ships?

8 THE WITNESS: They are small coastal.

9 THE CHAIRMAN: I recall there were some
10 little barges made for that.

11 THE WITNESS: Yes.

12 MR. MAHONEY: Yes, my lord. The Inter-
13 national Joint Commission is considering argument to
14 enlarge that canal.

15 Q. Now, sir is there difference in which
16 ship will carry certain cargoes with respect to the car-
17 goes themselves? Is one particular cargo, say pulpwood
18 for example, better carried by one class of ship or
19 another?

20 A. No. This can be carried on ships up
21 to the medium sized lakers today.

22 Q. Is pulpwood ever carried in the very
23 large ships?

24 A. No.

25 Q. What would you say would be the maximum
26 size ship?

27 A. It would be 10,000-ton deadweight ship.
28 There are only facilities available in the Great Lakes
29 at the moment for this size of ship.

30 Q. What about newsprint?



1 English

2 A. They don't go much beyond 4,000 tons
3 per cargo as newsprint.

4 Q. So it is fair to say there is some
5 specialization in the type of cargo which is carried by
6 a small ship?

7 A. Yes, a lot of specialization. News-
8 print is a specialization. Pulpwood is a specializa-
9 tion. The small grain users prefer the smaller ships
10 than the larger ships. They cannot fill the large
11 ships. You have to have a small ship. You have
12 unloader ships which deliver to the various areas.

13 Q. So that each class of ship then has its
14 own portion of the overall trade in which it is best
15 suited?

16 A. That is right.

17 Q. Perhaps you have given us this. I
18 wanted the ships registered in the Dominion Marine
19 Association, the number which falls into the various
20 categories?

21 A. You want a list of the number of ships.
22 Under 4,000 gross tons, 83 of those ships at the present
23 time. Over 4,000 and up to 10,000 there are 41.
24 Seventy thousand and upwards, 28 ships registered with
25 the Association.

26 Q. Do you recall, Mr. Collison, what the
27 situation was before the opening of the Seaway with
28 respect to these proportions? That is, were there
29 three categories at that time as well?

30 A. Three categories?



1 Q. Of ships?

2 A. Oh, yes. There would be ships in those
3 sizes.

4 Q. And very roughly what were the propor-
5 tions of ships in each of those categories at that time?

6 A. The canalliers predominated as to the
7 number of ships. The old St. Lawrence ships pre-
8 dominated in numbers prior to the Seaway.

9 Q. Do you recall roughly how many ships
10 there would have been in the industry at that time?

11 A. It is difficult to answer the exact
12 number. I would say they are in the majority, the
13 canalliers.

14 Q. As to the total gross tonnage of those
15 ships would it also have been the major portion of the
16 tonnage?

17 A. I would say the registered gross ton-
18 nage would be on an equal basis about the time the
19 Seaway was coming into being. There was a development
20 going on of some of the larger lakerees just prior to the
21 Seaway, several years prior to the opening of the
22 Seaway, which was increasing the size of the upper lake
23 ship.

24 Q. You have told us that the proportion of
25 tonnage of the ships under 4,000 tons, which is roughly
26 equivalent to the old canaller, although the size may
27 be somewhat different, was about 55 per cent now?

28 A. That is right.

29 Q. I think you said it was about 50 per
30 cent before the Seaway opened?



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1 A. Yes.

2 Q. Even though there was a larger number
3 of ships at that time?

4 A. Yes.

5 Q. So these proportions haven't changed
6 drastically?

7 A. Not drastically, no.

8 Q. Now, Mr. Collison, we will return to
9 the administrative set-up of the Dominion Marine
10 Association. How is the Dominion Marine Association
11 operated? Does it have a Board of Directors?

12 A. Well, there is the Board of Directors
13 which consists of nine, including the President, and it
14 is operated by the various committees. We have a
15 Financial Committee, a Pilotage Committee, Seaway
16 Committee, Navigation Committee, Shore Captains'
17 Committee, and Fleet Engineers' Committee.

18 Q. Are these standing committees of the
19 Association?

20 A. Yes, they are standing committees.

21 Q. Now who would be, for example, a member
22 of the Shore Captains' Committee?

23 A. They are made up usually of commodores
24 of some of the various fleets.

25 Q. When you say "commodores of the various
26 fleets" ---

27 A. Masters, a master, a commodore.

28 Q. Employed by the particular company?

29 A. The individual company.

30 Q. Would he be a man actually operating a



1 English

2 ship or would he be on shore?

3 A. In some cases operating a ship or he
4 would be on shore. It is a matter of category.

5 Q. Generally would he be in an administra-
6 tive capacity with his Company or actually operating the
7 ship, generally speaking?

8 A. He would be in an administrative
9 capacity.

10 Q. Is that also true of the Fleet Engi-
11 neers' Committee?

12 A. Yes.

13 Q. The Navigation Committee, how is that
14 made up?

15 A. It is made up by appointees from all
16 the companies registered with the Association, one or
17 two of their masters, and they meet every year for
18 about three or four days, sometimes a week. They
19 meet with the various government departments, the
20 Department of Transport, and discuss the aids to
21 navigation and bring in recommendations for changes.
22 These recommendations are enumerated individually in
23 the record of the Association, and each recommendation
24 is usually followed up very closely with the govern-
25 mental departments involved. Many of these recom-
26 mendations have been finalized to the advantage of the
27 safety in navigation and so forth with the cooperation
28 of the government departments.

29 Q. Does your company appoint a man or a
30 member or members to the Navigation Committee?



1 English

2 A. Yes. We have always appointed one
3 master. We interchange them every year, the master to
4 the committee.

5 Q. So that you get one master from your
6 company acting on the committee every year?

7 A. For a year, yes.

8 Q. And then you appoint someone else?

9 A. Yes, another one is appointed the
10 following year.

11 Q. Is that generally the system which is
12 followed by the other member companies?

13 A. Yes, sir.

14 Q. Do you know whether all of your present
15 masters have served at one time or another on the
16 Navigation Committee, or do you recall that?

17 A. All our masters in our fleet have
18 served their time on the Navigation Committee. We are
19 a small fleet and it does not take many years to roll
20 by and they are all on.

21 Q. Now you say that this committee meets
22 once a year. Where does it generally meet?

23 A. Usually in Ottawa. It is generally in
24 Ottawa where the minister or the department officials and
25 representatives are all available.

26 Q. That is the government officials?

27 A. Government officials.

28 Q. Besides government officials and the
29 members of the committee does anyone else attend? Are
30 there any other representatives?



1 English

2 A. Yes, we have the usual members from the
3 United States Coast Guard in attendance at times and
4 some of our counterparts, the Lake Carriers Association
5 in Cleveland.

6 Q. When you say "counterparts, the Lake
7 Carriers Association" what is the Lake Carriers Associa-
8 tion?

9 A. That is an association of the American
10 lake ship owners.

11 Q. Similar association to Dominion Marine?

12 A. Yes.

13 Q. Do you know whether the Lake Carriers
14 Association has a navigation committee as well?

15 A. Yes, they do.

16 Q. Is it set up in the same way or does it
17 differ from the DMA Navigation Committee?

18 A. I think it is operated under the same
19 set-up as we have in Dominion Marine.

20 Q. That is meeting once a year?

21 A. Once a year.

22 Q. And is there a liaison between the two
23 committees?

24 A. Yes.

25 Q. Do members of the one committee attend
26 the meetings of the other?

27 A. At times, yes. It just depends, of
28 course, upon the recommendations that are made.

29 Q. Do you know, Mr. Collison, whether the
30 Dominion Marine Association makes recommendations to the



1 English

2 American Lake Carriers Association and vice versa?

3 A. They do suggest recommendations and
4 this works vice versa. It is for changes in navigation
5 aids or widening of channels.

6 Q. Now you say the committee meets once a
7 year for anywhere from three days to a week to make
8 recommendations concerning the aids to navigation and
9 other shipping facilities of the area. Does the
10 committee cover a geographical area?

11 A. Covers the Great Lakes and the Head of
12 the Lakes, down through the River St. Lawrence and Gulf
13 of St. Lawrence, the entire inland waters right out to
14 the coast.

15 Q. The American Association of Lake Car-
16 riers, do they cover the same geographical area?

17 A. They do but their jurisdiction, I
18 believe, ends at Ogdensburg where the waters are. Our
19 waters extend to the East Coast.

20 Q. Does the American association make
21 recommendations to the Canadian government officials
22 at times concerning the aids to navigation in Canadian
23 waters?

24 A. I believe they have but through the
25 facilities of the association.

26 Q. Of the Dominion Marine Association?

27 A. That is right.

28 Q. Is the same true for the Dominion
29 Marine Association Association making representations
30 to the American government?



1 English

2 A. Yes.

3 THE CHAIRMAN: And the Coast Guard is there
4 anyway?

5 THE WITNESS: Yes, the United States Coast
6 Guard.

7 MR. MAHONEY:

8 Q. Now is the St. Lawrence Seaway Authority
9 represented at such meetings?

10 A. Yes.

11 Q. And the Seaway Development Corporation?

12 A. Yes.

13 Q. Do you know of any other government
14 department besides the Department of Transport that is
15 represented at such a meeting?

16 A. We have the Department of Public Works
17 which are represented.

18 Q. Do you know, Mr. Collison, how many
19 years the Navigation Committee has been functioning?

20 A. Yes, I would say most likely from the
21 inception of the Association, but in looking back over
22 the records the only record I can see was about 1918,
23 which is recorded of the Navigation Committee and the
24 Shore Captains' Committee in operation and functioning
25 in conjunction with various other governmental depart-
26 ments on phases of the Canada Shipping Act and changes
27 and so forth in regulations.

28 This has been going on, I would say,
29 from inception. There have been little gaps there.
30 Probably the records were not kept up or have been



1 English

2 destroyed. I have gone back to 1918 and they have
3 been functioning since then.

4 COMMISSIONER SMITH: It has been abolished
5 but
6 for some years past/prior to 1935 would your organiza-
7 tion be represented on the Lighthouse Board of Canada?

8 THE WITNESS: There is mention in some
9 of the annual reports of the Association that we were
10 members of this Lighthouse Board. We have a lot to do
11 in conjunction with them in many respects.

12 MR. MAHONEY:

13 Q. Now aside from the recommendations with
14 respect to aids to navigation does the Navigation Com-
15 mittee take any action with regard to such things as
16 separate courses on the Great Lakes?

17 A. Yes, they have recommended over the
18 years, this goes back even beyond 1918 where separate
19 courses were recommended for safety factors in naviga-
20 tion in the Great Lakes region.

21 Q. Do you know when the first separate
22 courses were actually brought into effect?

23 A. I would say it would be around 1918,
24 probably 1916-1918, somewhere in that category.

25 Q. And from a non-technical point of view
26 what are the separate courses?

27 A. There are separate upbound and downbound
28 courses which are agreed to by both governments, the
29 United States and Canada, for safety of navigation.
30 We keep them apart in order to avoid collision.



1 English

2 Q. There is a general term in the Great
3 Lakes ---

4 A. I am not a master.

5 Q. They are not marked on the general chart.

6 A. Probably one of the captains available
7 here could give you the technical side, but they are
8 separate courses which are set on the Great Lakes, up-
9 bound and downbound courses which are separated in
10 order to avoid collision. This has been a recommen-
11 dation of our Navigation Committee since way back in
12 the early 1900's, first from a safety point of view.

13 THE CHAIRMAN: If I could say, two lanes?

14 THE WITNESS: That is right.

15 MR. MAHONEY: Not precisely, my lord. I
16 will call some evidence on that later. There is a
17 slight difference. At first glance it would appear to
18 be two lanes, but there is actually a difference.

19 Q. Now, Mr. Collison, without regard
20 to that general chart of the lakes which is behind you
21 and which does not show such courses, are these courses
22 generally printed on the government charts?

23 A. I believe they are. I am not so sure.
24 Maybe we should have a technical man answer. I have
25 seen charts where they are published.

26 Q. Now, are you generally familiar, sir,
27 with the procedure which was used for processing the
28 recommendations of the Navigation Committee?

29 A. Yes. Each recommendation is given
30 a file with the Association, and followed through by



1 English

2 the general manager with the responsible government
3 official. It is followed through to the end.

4 Q. Individual files for individual recom-
5 mendations?

6 A. Individual files for each recommenda-
7 tion that comes from the Navigation Committee.

8 Q. How is the report made to the com-
9 mittee or to the association?

10 A. The Shore Captains' Committee, as I
11 understand, when they come up, the shore captains deal
12 with some of these, and over the season of navigation
13 on some recommendations it is necessary for us to
14 gather information from the masters of the ships over
15 the season, which we compile for the department in
16 Ottawa to substantiate the recommendations. This is
17 looked after by the general manager and the Shore
18 Captains' Committee who deal with the problem with
19 the department involved.

20 Q. I take it, Mr. Collison, as an
21 administrative official you do not actually sit on these
22 technical committees?

23 A. No. That is right, sir.

24 Q. You know this from your knowledge of the
25 association operation?

26 A. From my knowledge of the association.

27 Q. Now, returning to your particular com-
28 pany then, Mr. Collison, do the ships which you operate
29 use pilots anywhere on the Great Lakes?

30 A. Not on the Great Lakes. We do on the



1 English

2 river.

3 Q. When you say the "river" you mean the
4 St. Lawrence River?

5 A. That is right. We might use the odd
6 pilot once in a while in the Montreal-Kingston District,
7 and of course it is compulsory between Montreal and
8 Quebec.

9 Q. You say it is compulsory between
10 Montreal and Quebec? Is this because your ships are
11 of a size larger than the existing exemption?

12 A. Just from Montreal to Quebec. Not
13 Quebec District. Below Quebec we don't take pilots
14 for the small canalliers.

15 COMMISSIONER SMITH: On that point, page
16 15, the middle of the page, says this: "In the
17 Montreal Pilotage District at least ninety per cent of
18 Canadain lake vessels would take pilots even though
19 exemptions were given, and over a period of ten to
20 twenty years this percentage might be reduced to as
21 much as fifty per cent on a very gradual scale."

22 Would any of your ships that you
23 operate come under that statement?

24 THE WITNESS: Yes. In the Montreal
25 Pilotage District we would come under that. That is
26 ninety to fifty per cent?

27 COMMISSIONER SMITH: Yes. The percentage
28 has come down from ninety to fifty per cent, I take it
29 over a number of years?

30 THE WITNESS: Over a period of years.



1 English

2 COMMISSIONER SMITH: Some twenty years?

3 THE WITNESS: Yes.

4 COMMISSIONER SMITH: While we are on that
5 point, are there any of the larger type of lakers going
6 from Montreal, down through the Montreal District and
7 Quebec District to Seven Islands? Are there any of
8 those that take on pilots or do all of them take on
9 pilots?

10 THE WITNESS: Well, from Montreal to Quebec
11 they would take pilots, and right through, they are re-
12 quired according to their total measurements. Is it
13 the 2,000 gross registered ton vessels are exempt, but
14 their gross registered tonnage is much greater.

15 COMMISSIONER SMITH: But what I am meaning
16 is this: they can either take pilots or pay the dues?
17 They all take pilots through?

18 THE WITNESS: I am unable to answer that
19 for all the companies here, sir.

20 COMMISSIONER SMITH: That is all right.

21 BY MR. MAHONEY:

22 Q. As far as your company is concerned I
23 think you said in the Quebec District, for example, some
24 of your ships would now take pilots and some do not;
25 is that correct?

26 A. Yes. We have the smaller ships going
27 down which are beyond the 2,000 limit or 2,000 gross
28 registered ton.

29 Q. You mean under?

30 A. We have some under and some just over.



1 English

2 The ones that are over take pilots.

3 Q. And the ones that are under that 2,000
4 tons they don't take pilots?

5 A. We don't use pilots.

6 Q. Of the six ships that you operate, how
7 many are over the 2,000 tons?

8 A. Three.

9 Q. Now, you say also that to begin with
10 the closest area in the Montreal-Kingston area, your
11 ships occasionally take pilots. Would you explain that?
12 Why is that?

13 A. This is to relieve the master who has
14 been -- he is tired. He has been up long hours coming
15 up the river probably. Fog. The majority, we do our
16 own piloting in that area.

17 Q. How far back does this go? Have
18 your ships always done their own piloting generally
19 speaking in that area?

20 A. Yes, generally speaking we have done
21 our own piloting.

22 Q. Are there any of your ships which always
23 take a pilot in that area?

24 A. No, not that always take a pilot.

25 Q. Occasionally they take them?

26 A. Yes, that is right.

27 Q. But no particular ship always takes a
28 pilot?

29 A. No.

30 Q. From your knowledge of the matter are



1 English

2 pilots needed by your ships in the Montreal-Kingston
3 area to supplement local knowledge of your own master?

4 A. No. Our masters are well acquainted
5 with the area themselves.

6 Q. In the Montreal River District, Montreal
7 District from the City of Montreal to Quebec, do all
8 your ships take pilots there or do any of your ships
9 take pilots there?

10 A. Yes, we take pilots. It is compulsory,
11 but there is the odd time no pilot is available. We
12 have made several trips over a period of years without
13 a pilot. Had to do this.

14 Q. If there were an exemption in that
15 area, Mr. Collison, would your ships take a pilot be-
16 tween Montreal and Quebec?

17 A. I would say it would be reduced. It
18 would depend upon the conditions the master had to con-
19 tend with. If he had been up and was tired, I would
20 imagine he would take a pilot to relieve him a bit, but
21 ordinarily if circumstances permitted, we would not take
22 a pilot.

23 Q. Could you say ---

24 A. The masters are quite knowledgeable in
25 respect to those waters. They have been sailing up and
26 down there for many, many years.

27 Q. Do any of your ships come within the
28 exemption in that district?

29 A. No.

30 Q. Do you have any knowledge of what



1 English

2 proportion of your ships would take pilots in the Montreal
3 District if there were exemptions?

4 A. Probably I would say fifty per cent
5 maybe would take pilots. Forty or fifty per cent.

6 Q. Would this depend on the technical or
7 local knowledge of the master, or would it depend on
8 other circumstances?

9 A. It would not depend on his local know-
10 ledge, because he has that. It would depend on other
11 circumstances.

12 Q. The masters which you presently employ
13 on your ships, have they been in your employ for some
14 time, or do you have some new masters and some old?

15 A. They have been in our employ, some of
16 them up to twenty-five years or more. Well, I would
17 say between fifteen to thirty years.

18 Q. So that the least time with your
19 company would be fifteen years?

20 A. Yes.

21 Q. Do you know offhand what certificates
22 they hold, what certificates of competency?

23 A. They hold masters and many masters
24 home trade. I think the majority of them have masters
25 inland and masters home trade, in fact two have
26 masters foreign.

27 Q. You have known these men now for at
28 least fifteen years; is that correct?

29 A. I have known them with our company
30 twenty-eight years. Some have been mates and have come



1 English

2 up to masters.

3 Q. Through those years you have known
4 generally what their experience has been?

5 A. Yes.

6 Q. In various areas?

7 A. Yes.

8 Q. What proportion of their total sailing
9 time would you say they would spend in the Montreal
10 and Quebec pilotage districts?

11 A. I would say about sixty per cent of
12 their time probably.

13 MR. LALONDE: Sixty?

14 THE WITNESS: About fifty to sixty per cent
15 of the time.

16 Q. This is of their actual sailing time?

17 A. Yes.

18 Q. Would that have been true over this
19 period of years they have worked for you?

20 A. Yes.

21 Q. In other words, has your trade changed
22 radically in recent years?

23 A. No.

24 Q. Have any of your masters engaged in
25 those trades had any serious accidents or difficulties
26 in that area? I am speaking of the area below
27 Montreal.

28 A. Below Montreal to Quebec?

29 Q. To Quebec or to Escoumains, including
30 Quebec District?



1 English

2 A. We have had one when a pilot was on
3 board. Richelieu channel. New York News.

4 Q. Have any of your masters had any
5 difficulties when they have been on their own?

6 A. No.

7 Q. Now, in the Quebec Pilotage District,
8 Mr. Collison, that is the area from Quebec down to
9 Les Escoumains, you say that half of your ships now are
10 exempt in that area?

11 A. Three canallers are.

12 Q. Of the ships which are not exempt,
13 if exemptions were given to those ships, how many would
14 use pilots in that area?

15 A. None I don't think because the area
16 to navigate is well marked, and I think it is quite
17 safe for any stranger even.

18 Q. You are not qualified to give that
19 opinion yourself, but what I am after is would your
20 company policy be in favour or opposed to your ships
21 taking pilots in that area?

22 A. Well, I would say that we would -- if
23 we had complete exemption we would not use pilots in
24 that area.

25 Q. What about the Montreal Harbour? Do
26 your ships use the Montreal Harbour at all?

27 A. Oh, yes. We come into Montreal Harbour.

28 Q. Do they use pilots in Montreal Harbour?

29 A. Oh, yes.

30 Q. If this exemption were available in



1 English

2 Montreal Harbour, would any of your ships use pilots?

3 A. Well, maybe have to use them for part
4 of the harbour. I think below where the currents are
5 probably. I don't know about the inner harbour.
6 There is nothing in the inner harbour to warrant a
7 pilot, but I think probably in the currents there might
8 be.

9 Q. You said in the Montreal District if
10 exemptions were given about fifty per cent of your ships
11 would continue to use pilots, but then in the Quebec
12 District you said that you felt that none of your ships
13 would use pilots. Why do you make this difference
14 between the one district and the other?

15 A. Well, it is on the downbound trip the
16 master may be up through the Seaway.

17 Q. You mean he may be on duty through the
18 Seaway?

19 A. That is right, and he wouldn't be too
20 fresh, and there is times when he may wish to have a
21 pilot, but it is mostly on the downbound. Upbound, no.

22 Q. How many mates do you carry on your
23 ships, Mr. Collison?

24 A. Three mates.

25 Q. Three mates on each ship?

26 A. That is right.

27 Q. Do you recall offhand what the qualifi-
28 cations of your first mates are?

29 A. Most of them have -- all of them have
30 masters inland with us, and I think there are three also



1 English

2 have masters coasting.

3 Q. Generally speaking, how long have they
4 been with the company on an average?

5 A. Two of them with masters coasting, they
6 have been with the company around maybe eighteen years,
7 sixteen to eighteen years.

8 Q. Are any of your ships certified for
9 voyages other than in inland waters?

10 A. No.

11 Q. The ships' documents themselves restrict
12 the vessel from trade other than inland waters?

13 A. We can't -- we trade only with inland
14 waters, our class of ships.

15 MR. MAHONEY: I have no further questions,
16 my lord.

17 COMMISSIONER SMITH: If your lordship pleases,
18 I would like to ask the witness a question about some-
19 thing that does not have an awful lot to do with pilotage,
20 but for general information. The two transfer elevators
21 at Prescott and Colborne, are they used now for any
22 transfer operations, or purely storage, or what is the
23 use of those elevators now?

24 THE WITNESS: The government elevator at
25 Port Colborne is used still for storage and transfer.

26 COMMISSIONER SMITH: Both?

27 THE WITNESS: In fact they transferred
28 grain there last year. Also at Prescott.

29 COMMISSIONER SMITH: What would be the
30 nature and the purpose of the transfer at those two? In



1 English

2 the past they transferred because of the low depth of
3 water going through the canal system, but now they do
4 not need that precaution. What would be the nature
5 of the transfer; what is the purpose now?

6 THE WITNESS: This would be where there is,
7 say, a heavy demand for grain and congestion in some
8 of the lower ports. If there is space, this would
9 expedite the movement of grain from the Lakehead, and
10 put it there, to transfer it later.

11 COMMISSIONER SMITH: Thank you very much.

12 THE CHAIRMAN: Prior to the cross-examination,
13 in view of the time now we will have a break.

14
15 ---Short recess.
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30



English

CROSS-EXAMINATION BY MR. LALONDE:

Q. Mr. Collison, I understand other witnesses will testify as to other parts of your brief?

A. That is correct, sir.

Q. I will try to restrict my examination to points raised in your direct examination. However, would you tell me whether this particular brief was submitted to a general meeting of the members of the Dominion Marine Association?

A. It has been before the Board of Directors and as far as I know has been circulated to all members.

Q. When was it adopted by the Board of Directors?

A. It was adopted by the Board of Directors -- maybe Mr. Mahoney could help me on the date.

MR. MAHONEY: I have not the exact date myself. It was about a week ago.

THE WITNESS: I would say about ten days ago, was it not, sir?

MR. MAHONEY: Yes.

MR. LALONDE: Would you mind filing with this Commission the resolution of the Board of Directors approving the brief?

MR. MAHONEY: My Lord, I think perhaps I should object to that. You will note that -- and I am not sure whether the other briefs have been filed in the same way -- but at the end of this brief you will



1 English

2 note it has been filed by counsel. I think that this
3 makes some difference in the matter which my friend is
4 raising as to the authorization for the filing of such
5 a brief -- unless he wishes to question my authorization
6 as counsel for the Association. I think it makes it
7 a little different from a brief which is signed
8 "Dominion Marine Association".

9 MR. LALONDE: Do I understand that if the
10 brief is signed by my friend he should be the one to
11 get in the box?

12 THE CHAIRMAN: Do you want a ruling on that?

13 MR. LALONDE: Well, I suppose, My Lord,
14 there should be one. I think there should be one
15 because the pilots have been requested to produce
16 resolutions and the Shipping Federation -- also
17 minutes of meetings where these matters were discussed.
18 So I presume it is important background for the infor-
19 mation of the Commission that the Commission should
20 know whether this represents a view which is shared by
21 a large majority or a small majority or the unanimity
22 of the members, and secondly what procedure was followed
23 in the analysis of the brief and what comments were made.

24 MR. MAHONEY: My Lord, I would submit with
25 respect to that that if my friend has any question as
26 to whether these are the universal and complete thoughts
27 of the Dominion Marine Association, he should be quite
28 free to call any member of the Association and determine
29 whether this was in fact the sort of brief which they
30 wished to present. Short of that I think that a brief



1 English
2 filed in this way, we must assume, unless he has
3 evidence to the contrary, that it is the official brief
4 of the Association.

5 I would submit in addition that in
6 minutes of meetings filed at which authorization is
7 given for such a brief there will be no extensive
8 comment as to particular points because minutes of
9 such meetings are primarily a formality and contain no
10 long excerpts of discussions.

11 I would suggest that if he has any
12 feeling that such a brief does not represent the thoughts
13 of the Association he is perfectly free to call any
14 member of the Association that he thinks may be opposed
15 to it. I can understand his position with respect to,
16 for example, the Shipping Federation, which contains, as
17 I understand it, a very large number of members who are
18 in perhaps a somewhat different position than the
19 simple shipowner himself acting as ships' agents and
20 in some cases as shipowners. Then I can understand
21 he might feel there would be some disparity of views
22 within the group, but with respect to a brief such as
23 this, I would suggest if he has any evidence that
24 there is such dispute, it is up to him to prove that.

25 MR. LALONDE: My Lord, I only wish to add
26 that we have had evidence that there might have been
27 disparities of views between single pilots and I do not
28 see why there would not have been amongst certain ship-
29 owners.

30 THE CHAIRMAN: Yes. Here we have something



1 English

2 different than was at other places. We have a brief
3 submitted by a counsel for his Association and his
4 mandate, of course, is presumed, unless the contrary
5 is established. We have the president here of the
6 Association that comes to prove this brief and I think
7 any question could be asked of him as to whether he
8 shared these views and whether these views are shared
9 by the other members to his knowledge.

10 As to whether there should be specific
11 authorization for the mandate of the counsel well, I
12 think this is presumed and whether the submissions were
13 couched in the words dictated by the Association or not,
14 I do not think this has any bearing, because we have to
15 assume that this is the wish of the Association until
16 it is otherwise established. It might be a little
17 different when it is signed by an Association.

18 But if you wish, you may ask the
19 witness any question about what was going on and whether
20 really the mandate is there or not.

21 MR. LALONDE: I would like to state first
22 of all that there was no question of questioning in any
23 way the mandate of my friend in this respect; certainly
24 not. The point is, my Lord, that the pilots have been
25 requested to produce resolutions and evidence supporting
26 the fact that the members would have approved the recom-
27 mendations contained in the brief and I would have ex-
28 pected that ships' owners, in particularly the Dominion
29 Marine Association, as the Shipping Federation of Canada,
30 would have been in the same situation.



1 English

2 THE CHAIRMAN: Well, carry on with your line
3 of questioning and we will take this request under ad-
4 visement and let you know later on.

5 MR. LALONDE: Thank you.

6 Q. So it was submitted to the Board of
7 Directors last week, Mr. Collison?

8 A. Yes.

9 Q. How many directors were present?

10 A. The full board, as I understand it,
11 with the exception of myself. I was absent.

12 Q. You were absent from that meeting?

13 A. Yes.

14 Q. Did you see any record of the attendance
15 at that meeting?

16 A. No, I have not as yet. I have not
17 seen any attendance records at the meeting, but I am
18 aware of what transpired prior to the meeting in the
19 matter of the brief -- the way it is prepared here, the
20 submissions -- and it has been discussed thoroughly.

21 Q. But so far as you are concerned you
22 have no direct knowledge of the number of people who
23 were present at that meeting?

24 A. Not at the meeting last week, no.

25 Q. You understand that the brief has now
26 been circulated after having been approved by the direc-
27 tors?

28 A. Yes, it has been circulated.

29 Q. Would you mind giving us the list of
30 the members of the Board of Directors of the Dominion



1 English

2 Marine Association?

3 A. Mr. Secretary ---

4 MR. LALONDE: Unless my friend objects to
5 that too.

6 MR. MAHONEY: Actually the only reason I
7 object is because I do not have it here as an official
8 list.

9 THE CHAIRMAN: This can be obtained very
10 easily.

11 MR. LALONDE: Yes. You will produce it
12 later on?

13 THE CHAIRMAN: We will give it a number
14 now -- 1135; list of the directors at present actually
15 holding office.

16 --EXHIBIT NO. 1135: List of present Board
17 (to be produced) of Directors of Dominion
18 Marine Association.

19 MR. MAHONEY: I could give you the list,
20 but in fact that would be giving evidence, would it not?
21 I think it is easier to file the list.

22 MR. LALONDE: With, if possible, the com-
23 panies they represent.

24 Q. You also have a copy of the charter
25 and the bylaws of the Dominion Marine Association with
26 you?

27 A. No, I do not have those with me, sir.

28 Q. Would you mind filing a copy of this
29 document?

30 ---EXHIBIT NO. 1136: Charter and bylaws of the
(to be produced) Dominion Marine Association



1 English

2 Q. When was the present Board of Directors
3 elected?

4 A. Last year -- 1963.

5 Q. At what time in 1963?

6 A. It was at the 1963 annual -- when was
7 it?

8 Q. Approximately -- spring, fall?

9 A. It was in the fall, was it not, Mr.
10 Secretary? I am not just sure on the date.

11 MR. MAHONEY: At the annual meeting.

12 MR. LALONDE:

13 Q. The meetings are annual, I understand?

14 A. At the annual meeting the directors
15 were elected.

16 Q. Has this brief been submitted to any
17 of your committees apart from the Board of Directors
18 before being filed with the Commission?

19 A. I think Mr. Secretary could answer that.

20 MR. MAHONEY: The Pilots Committee.

21 THE WITNESS: The Pilotage Committee.

22 MR. LALONDE: I think I will have to revert
23 to the first suggestion that counsel for Dominion Marine
24 gets in the box.

25 Q. Do you know who are the members of the
26 Pilotage Committee?

27 A. I know that Captain Bodensieck. . .
28 the Secretary can file a list with you of the members
29 of that committee.

30 THE CHAIRMAN: Would you add to the Exhibit



1 English

2 No. 1135 which is the actual list of the directors of
3 Dominion Marine Association the list of the members of
4 the Pilotage Committee?

5 THE WITNESS: Yes, of the Association.

6 ---Addition to Exhibit No. 1135 (to be produced):
7 List of the members of the Pilotage
8 Committee.

9 MR. LALONDE:

10 Q. As far as you know this brief would
11 not have been submitted to the Navigation Committee?

12 A. As far as I am aware, no.

13 Q. On page 3 of your brief -- if you would
14 not mind referring to it -- you have the figures provided
15 on that page and certain percentages. Did I understand
16 you correctly in stating that these percentages were
17 percentages of tonnage?

18 A. This is percentage of the vessels in
19 this category.

20 Q. I see, so this 54 per cent, 26 per
21 cent and 18 per cent represents the percentage of the
22 number of ships over the total number of ships in the
23 Dominion Marine Association; that is, 152?

24 A. That is correct.

25 Q. Not the tonnage?

26 A. No.

27 Q. Because I thought I heard you state
28 that it was the total tonnage.

29 A. No, the ships.

30 Q. Did you make any calculation as to what



1 English

2 percentage of that would be in tonnage -- 53, 83 ships,
3 41 ships, 28 ships over the roughly 900,000 tons members
4 of the Association?

5 A. No, I do not have those figures.

6 Q. Would you have that available in your
7 records?

8 MR. MAHONEY: I was just checking the
9 records to see. It is not broken down in that way.

10 THE CHAIRMAN: The purpose of your question
11 is to get the incidence of pilotage and the exemptions;
12 that is what you are getting at?

13 MR. LALONDE: Yes.

14 Q. Could this information be compiled
15 from your records -- not today necessarily?

16 A. I believe it could be compiled, but
17 it would take a little time to do this, sir.

18 MR. LALONDE: Could I ask your counsel to
19 take a note of that?

20 MR. MAHONEY: If I might clarify that, my
21 Lord, does counsel wish the proportion of tonnage
22 registered with the Association under 4,000 gross
23 tonnage? Is that it?

24 MR. LALONDE: What I would like to have is
25 next to 54 per cent, let us say, the percentage of what
26 the tonnage would be for the 890,000 tons which was
27 referred to.

28 THE WITNESS: Gross tons?

29 THE CHAIRMAN: Excuse me, could it be more
30 complete information if we just had the list of the



1 English

2 ships so that we could figure out very easily by
3 mathematics and looking at the registry what are their
4 tonnages, and you can make the calculation you wish
5 later on as to which ones would be exempt and which
6 ones would be not exempt in various places? I think
7 that could be very much easier.

8 MR. MAHONEY: A list such as that could be
9 prepared, my Lord. It would take a little time.

10 THE CHAIRMAN: If you could, all I was
11 suggesting was that only the names of the ships be given
12 so that you can just look them up from the registry
13 if you want to have that information. Or if while
14 compiling the list ---

15 MR. MAHONEY: The Association could just
16 as easily put the tonnage in as well as the name.

17 THE CHAIRMAN: The net tonnage, gross
18 tonnage -- which one?

19 MR. MAHONEY: Gross tonnage is the figure
20 which for Association purposes is always used.

21 MR. LALONDE: Has my friend got the dead-
22 weight also of these ships in his records?

23 MR. MAHONEY: I am sorry, my Lord. Not
24 in the Association records because assessment of all of
25 the working material of the Association is done on gross
26 tonnage.

27 THE CHAIRMAN: So that would be enough for
28 us anyway and if we want some other information we have
29 that from the registry. We will give a number for that
30 right away, 1137, list of ships and gross tonnage.



1 English

2 --- EXHIBIT No. 1137:
3 (to be produced)

List of ships and gross
tonnage.

4 MR. JACQUES: If I might add, the exemp-
5 tions except in the Quebec District are always based
6 on net tonnage.

7 THE CHAIRMAN: Yes, but he cannot provide
8 that except by making the calculation and looking at the
9 registry. But we have the name and therefore we can get
10 that from the registry ourselves.

11 MR. MAHONEY: My Lord, I will have the
12 records checked again to make sure we cannot easily
13 provide it. If we can provide it from our own records,
14 then I will be quite prepared to give that also.

15 THE CHAIRMAN: Thank you very much.

16 MR. LALONDE: For the record, my Lord,
17 Exhibit 1137 is the list of ships and gross tonnage
18 owned by members of the Marine Association.

19 THE CHAIRMAN: That is right.
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1 Q Your friend has referred to the basis
2 of assessment of the Dominion Marine Association as
3 being gross tons. Is there any particular reason to
4 your knowledge why the assessment would be based on
5 gross tonnage rather than net tonnage or dead weight?

6 A No. That has been the practice and
7 principle. The assessment to the members has been on
8 gross registered tonnage of the vessel.

9 Q Only gross registered tonnage?

10 A As far as I am aware.

11 Q What is the present assessment in the
12 Dominion Marine Association?

13 MR. MAHONEY: Objection, My Lord. The
14 only reference I made to assessment was in discussion
15 with Your Lordship and not in question to the witness.

16 MR. LALONDE: My Lord, I think you have
17 already ruled in this matter with regard to the Shipping
18 Federation of Canada.

19 THE CHAIRMAN: Yes, and Mr. Brisset is
20 waiting to find out what is going to be my ruling here.
21 We decided in Montreal that in a general way we would
22 be interested in knowing that figure.

23 MR. MAHONEY: I think that could be
24 given by the witness now. We have no real objection to
25 it. I am simply being a little annoying.

26 MR. LALONDE: Q Do you have that in-
27 formation?

28 A The rate per gross registered ton --
29 maybe the Secretary might be able to jerk my memory up
30 here. I think it is three cents or four cents a gross



1 registered ton.

2 MR. LALONDE: I suggest the Commission
3 should subpoena the Secretary of the Association.

4 THE CHAIRMAN: This may appear from the
5 by-law.

6 MR. MAHONEY: My Lord, it has varied
7 from time to time. I think the reason the witness is
8 a bit uncertain about it is rather unofficially in the
9 past two years it has decreased. It was seven cents a
10 gross ton and in the past two years one cent has been
11 knocked off, which reduced it to six cents a gross ton.

12 MR. LALONDE: I am quite willing to ac-
13 cept this as evidence, My Lord.

14 THE CHAIRMAN: It could be confirmed by
15 the Secretary when he is on the stand.

16 MR. MAHONEY: But, My Lord, I am the
17 Secretary!

18 MR. LALONDE: That was the reason for
19 my request for a subpoena!

20 Q This is a yearly assessment, I understand?

21 A That is right.

22 Q Now, you stated that the gross tonnage
23 represented by Dominion Marine was roughly 900,000 tons.
24 I think you added that this represented what percentage
25 over-all of Canadian gross tonnage of lake ships, you
26 said 75 percent? Is that it? I think you said the
27 gross tonnage of membership outside the Dominion
28 Marine would be about 75,000 tons?

29 A Seventy-five to eighty thousand tons.
30 I am not quite sure. One of the fleets have quite a



1 few ships and they are not registered with the
2 Association.

3 Q I have a list of a few names of a few
4 Canadian lake companies. I would like to go through
5 them with you. There is the Beaconsfield Steamship
6 Company, it is not a member.

7 A No, sir.

8 Q All these Companies are not members of
9 the Dominion Marine Association. Branch Lines Limited.

10 A They are lake people, they are not
11 members.

12 Q Canadian Oil, do they have any ships
13 yet?

14 A Not to my knowledge.

15 Q Gulph and Lake Navigation Company?

16 A They have gone out of business.

17 Q Imperial Oil Limited?

18 A No, they are not members.

19 Q They have lake ships?

20 A Tankers.

21 Q Leadale Shipping?

22 A That is a British Company.

23 Q Do they have lake ships?

24 A Yes. They operate under the British
25 flag.

26 Q Marathon Corporation?

27 A Yes. That is Marathon Pulp & Paper you
28 are thinking of. They operate one small boat the
29 EVEREST.

30 Q They have a ship mentioned here, it is



1 a tug. Mid-Lakes Steamship Limited?

2 A I don't know that.

3 Q You don't know of them?

4 A No.

5 Q There are two ships mentioned, the
6 KENEFICK and WALLACEBURG.

7 A This is some grain dealer in Ontario
8 who bought the ships. They are not operating now.

9 Q They are not in operation?

10 A No, laid up.

11 Q Mohawk Navigation Company?

12 A Yes. They are not members.

13 Q Papa Christies?

14 A No, they are not members.

15 Q Redwood Enterprises Limited?

16 A That is another British setup.

17 Q They operate in the Lakes?

18 A Yes.

19 Q You had mentioned Reock?

20 A Yes, they are not members.

21 Q I submit to you that the Papa Christie
22 Company alone has more than 70,000 gross tons plying
23 the Great Lakes?

24 A Yes, they would have. That is right.
25 They have four ships. Probably Captain Bodenfeck might
26 put us right. The gross registered would be 50,000.

27 Q I have made a calculation on the basis
28 of the rate book here and excluding the Companies you
29 have excluded I would reach a tonnage -- this does not
30 pretend to be quite exhaustive -- would reach a tonnage



1 of certainly over 250,000 tons?

2 A Gross registered tons, the Canadian
3 Lakes shipping companies including the British?

4 Q Including the British which have
5 been mentioned, which are which ones?

6 A Leadale and Redwood.

7 Q Out of this total Leadale and
8 Redwood would represent 28,700 tons?

9 A These figures could be substantiated
10 if you wish to have this. We could look up the record
11 and give you the correct figure.

12 Q Yes, you can do it if you have the
13 list of other lakes ships.

14 A Just do it like you did here. Take
15 it out of a book. We know our non-members.

16 MR. LALONDE: My Lord, I don't think
17 it is essential to request it be done. It is in the
18 red book.

19 THE WITNESS: I will admit the ton-
20 nage is greater after going through the list. It is
21 very difficult to keep all these figures in your mind.

22 Q You refer to three categories of
23 ships; one below 4,000, another between 4 and 10 thous-
24 and, and the other category of ships over 10,000 tons.
25 I think you stated that in the category below 4,000
26 tons there were a few which were built after the open-
27 ing of the Seaway. Then you had another group which
28 you classified as in the old canaller class?

29 A They are still in operation.

30 Q You said some were built as far back



1 as 1954?

2 A Some canal-size ships were built in
3 1953-1954, I think as late as 1955.

4 Q Is it not a fact you have in op-
5 eration on the lakes a large number of those canallers
6 which were built before 1954?

7 A Yes.

8 Q You did not mean to say the oldest
9 ship in operation was 1954, in that category below
10 4,000 tons?

11 A You mean before the Seaway?

12 Q They were built much before 1954?

13 A Yes, built around 1927-1928 and up-
14 wards.

15 Q Now, in the list of ships which you
16 have mentioned, 152 ships in the Dominion Marine
17 Association, and particularly 83 ships below 4,000 tons,
18 are these all ships in operation at the present time?

19 A Insofar as I am aware they are in
20 operation.

21 Q These 83 ships, do they represent
22 all the 83 ships below 4,000 tons owned by members of
23 your Association and that are still afloat?

24 A Yes.

25 Q You would not include in that, for
26 instance, a couple of ships which have been lying in
27 the Toronto Harbour for a couple of years without moving?

28 A No, they are stricken from the record.
29 They are not in operation.

30 Q So for the purpose of your record



1 in your Association, if I understand you well, only
2 the ships in actual operation would be registered with
3 the Association?

4 A That is right. That is correct, sir.

5 Q Or at least ships which the owner
6 would consider would be ready to pay the dues for in
7 the hope that he could employ them during the year. Is
8 that correct?

9 A That is correct.

10 Q Have you made an analysis of the
11 trend in construction of lakes ships for the last --
12 let us say, five or six years? Could you from your own
13 experience in the trade tell us what the trend is in
14 construction?

15 A The trend has been to the larger
16 ship, more economical, automation shipping, self-
17 unloading devices, to cut down the amount of tonnage
18 required.

19 Q Would you say that the trend is to-
20 ward a ship of the over 10,000 ton category?

21 A Over the 10,000 gross registered
22 tons?

23 Q Yes.

24 A I would think so, in the bulk move-
25 ment of the lake, which is the predominant movement in
26 the Great Lakes trade, the ore and the grain.

27 Q I understand your Company does not
28 own those large lakers?

29 A No.

30 Q I would like to ask you a few questions



1 connected with your own Company. You stated that be-
2 tween Montreal and Kingston your ship would employ
3 pilots in order to relieve the master once in a while.
4 Is that correct?

5 A The master, if he has been up we do
6 this on and off at times to relieve him. He has been
7 long hours on a bridge. In other words, he is just as
8 acquainted with the waters as the pilot.

9 Q You say he has been long hours on
10 the bridge. That would have been crossing Lake Ontario?

11 A Probably due to fog or one thing and
12 another. He has been up all hours and he needs relief.
13 That is the only time we use the pilot.

14 Q I am informed that for the present
15 season, for instance up to now, your ships between
16 Montreal and Kingston have been employing pilots and
17 I note that there were up to very recently no aids to
18 navigation in the channel. Would that be a regular
19 occurrence, that in the spring if the buoys are not
20 yet installed your ships would tend to use pilots then?

21 A Yes, we may. I think other ships
22 do the same. You have reference to this Spring? To
23 which ships are you referring?

24 Q The PICK RIVER, for instance. Do
25 you know the PICK RIVER has been down?

26 A Yes.

27 Q Have you had another ship down?

28 A No. We have the common enterprise
29 ships down. They are British registered ships.

30 Q Would this practice be the same in



1 the Fall when the buoys have been taken off?

2 A No. I would say no.

3 Q Did you ever check into this matter?

4 A No.

5 Q You have not checked into this
6 matter. It is probably unfair to ask you the question
7 I was going to ask you. I was going to ask you is
8 there any particular reason why the Masters do it in
9 the Spring and not in the Fall. If you have not
10 checked don't feel obliged to answer this one.

11 Now, you also stated that between
12 Montreal and Quebec there would have been the odd in-
13 stance over the years where some of your ships would
14 have to travel without a pilot when no pilots were a-
15 vailable. Did you check any record in that respect?

16 A I haven't checked any recently.
17 This recalls the experience, one incident I know where
18 no pilot was available late in the Fall of the year,
19 and he wanted to make a canal and he came on his own
20 without any incident.

21 Q You have one incident only?

22 A We have the incident of a ship
23 grounding in the Richelieu Channel with a pilot aboard.

24 Q I was referring you to instances
25 where between Montreal and Quebec your Masters would
26 have travelled without pilots?

27 A I recall of one instance.

28 Q Approximately what year was that?
29 How many years ago?

30 A Quite some years ago. Maybe ten to



1 twelve years ago. It was in the Fall of the year, I
2 do recall.

3 Q Do you remember what ship that was?

4 A I think it was the NEW YORK NEWS.

5 Q How big was that ship?

6 A 1900 net registered.

7 Q Now this NEW YORK NEWS incident you
8 refer to, how long ago was that?

9 A I don't recall. I can't recall the
10 exact date.

11 Q Would you say it was probably before
12 the last War?

13 A I would have to check the time sir.
14 I couldn't give the exact date. I don't keep all
15 these records in my head.

16 Q Would you say it goes many years
17 ago?

18 A Some years ago. It is not recent.

19 Q Have your ships all been plying
20 down the St. Lawrence River before the opening of the
21 Seaway or did you have ships who were mainly travell-
22 ing on the Lakes themselves?



1 A Well, we do have some on the Lakes
2 and some down below.

3 Q Before the opening of the Seaway?

4 A Yes. Some couldn't go down. They
5 were too long.

6 Q I understand since the opening of
7 the Seaway the ships would be going down?

8 A That is right. They came down the
9 Seaway -- they came down like every other shipping
10 Company brought their ships down.

11 Q Would you say that your Company is
12 among the really regular traders on the River and Great
13 Lakes?

14 A Yes. We just celebrated our 50th
15 anniversary.

16 Q What I was referring to, I understand
17 you have operations further down the River somewhere?

18 A We have operations at Baie Comeau.

19 Q Would the ships travel regularly,
20 let us say, between Port Colborne -- is that it?

21 A Yes.

22 Q -- and Baie Comeau?

23 A Well, we travel from Thorold to Baie
24 Comeau or we come up from Chicago to Baie Comeau, or
25 Montreal. We are general traders in the Great Lakes.
26 We go to the Head of the Lakes too, Fort William.

27 Q Would you mind filing with the
28 Commission, for, let us say the last two years, 1962 and
29 1963 a list of the trips made by your ships during these
30 years?



1 A You mean international and coasting?

2 A breakdown or what?

3 Q If it could be done without too much
4 trouble, I would like to have for each ship the trips
5 made during the season. Could that be done?

6 A For Quebec and Ontario Transportation
7 Company?

8 Q Yes, just your Company only.

9 A May I ask this question? Why our Company
10 only?

11 Q Because you are unfortunately or fortu-
12 nately General Manager of it.

13 A That is true.

14 MR. MAHONEY: My Lord, I am not certain
15 whether records as complete as this exist in a reason-
16 ably convenient form within the Company. Perhaps I
17 should leave it to the witness himself to answer, but
18 considering that my friend may wish this sort of evi-
19 dence from other witnesses called, I think that unless
20 he has an urgent reason for it, this would be difficult.

21 MR. LALONDE: My Lord, I certainly have
22 no intention of going from Company to Company request-
23 ing them to file with this Commission a whole list of
24 the trips they may have made during the year. On the
25 other hand, I would think it is of interest to the
26 Commission to know what it means in practical terms to
27 be a regular trader on the River and the Great Lakes.

28 We have here a Company which is trading
29 very regularly and has been trading very regularly for
30 a long time. I am not selecting a Company which would



1 have only one or two trips and would be doing the odd
2 tramp work.

3 I would submit to the Commission that
4 the information given by this Company which is a regu-
5 lar trader in this respect would be valuable unless
6 the witness feels that this would be really confidential
7 information, which I doubt it could be considered as
8 such.

9 I think it would be worthwhile for the
10 Commission, just looking at one example -- I have no
11 inside knowledge as to the actual operation of this
12 Company -- to see how many trips they have been doing
13 in one year.

14 THE CHAIRMAN: I can see what you are
15 asking there would be a good illustration.

16 MR. LALONDE: Yes.

17 THE CHAIRMAN: In order to find out to
18 what extent -- it would be important to the argument
19 that is brought out in this brief, the effect of the
20 local knowledge in those places.

21 MR. LALONDE: Yes, and travelling twice
22 a week or once a month in the pilotage district.

23 THE CHAIRMAN: As much as could be as-
24 certained. If it is difficult for the last two years,
25 just make it last year, and if you can't give it very,
26 very accurately, just say so and give it so that we
27 have a good picture of it. Exhibit 1138. It would be
28 a list of trips made by Quebec and Ontario Transportation
29 Company Limited ships during the last two years, and the
30 names of ports where they call.



1 ---EXHIBIT NO. 1138: List of Trips made by
2 Quebec & Ontario
3 Transportation Co. Ltd.

4 THE WITNESS: Your Lordship, may I
5 object here? We have displayed in our brief here the
6 Dominion Marine Association -- we have broken down
7 trades, 60 percent international and 40 percent coast-
8 ing. I think this should be sufficient myself on be-
9 half of the Commission.

10 THE CHAIRMAN: I think if you could
11 provide this information it would help because one thing
12 that we are interested is to find out what is the ex-
13 perience of your captains or the captains engaged in
14 the coastal trade with regard to these various sections
15 of the River and the Lakes.

16 Therefore, if the recommendations
17 contained in this brief are to the effect that there
18 should be no pilotage mandatory for all of your members
19 and we find out that your members do only the odd trip
20 down to Quebec, well, the principle might not be right.

21 MR. MAHONEY: My Lord, the only point
22 I was raising, I am not certain how this information
23 could be put together, but I would suggest this: I
24 think for example, the Quebec and Ontario should have
25 records which could be put together, but if this is not
26 possible, certainly the Association would endeavour to
27 put together such records for some other Company which
28 might have facilities for doing it.

29 If we could leave it at that, I would
30 certainly endeavour to have it done.



1 MR. LALONDE: I am sure these ships
2 have log books unless they are not running at all.

3 THE WITNESS: We do have records.
4 That is quite all right. I will supply the information
5 you wish.

6 THE CHAIRMAN: In any event, we have
7 given it a number, and would you see, Mr. Mahoney, to
8 what extent it could be obtained and if it can be ob-
9 tained it would be quite appreciated; but if you have
10 to go to too much trouble, let us know later on.

11 MR. MAHONEY: I am positive we can
12 prepare something.

13 THE CHAIRMAN: If it is a confi-
14 dential matter then you may not wish to disclose the
15 odd trip and so on, but that could also be taken into
16 consideration. You will discuss that among yourselves
17 at recess and let us know. There is a number given to
18 the exhibit, and should the exhibit not be filed, let
19 us know.

20 MR. LALONDE: Q Now, I under-
21 stand that unless your master had had to stand up on
22 the bridge for some reason across the lake, he will do
23 his own pilotage down to Montreal; is that correct?

24 A Yes.

25 Q Generally.

26 A He does do. His mates will do some
27 of it too. They are very acquainted with the waters,
28 the mates of ships.

29 Q That would be left to the master to
30 decide whether the first mate, second mate or third



1 mate would do the pilotage; is that correct?

2 A Yes. He is in command of his ship.
3 If he thinks they are capable, they will do it as well
4 as the master.

5 Q Why did you say that if exemptions
6 were granted in Montreal district your ships would em-
7 ploy pilots mainly for downbound trips for Montreal,
8 because you said the master would be up to take this
9 ship through the Seaway; is that correct?

10 A Well, the master would probably be
11 -- if he is piloting his own ship from Cape Vincent
12 to Montreal, he has probably had long hours. He gets
13 down to the foot of St. Lambert and he might be tired
14 if he has been up too long, and therefore he would take
15 a pilot.

16 He would take a pilot at Montreal
17 if he was tired, for relief.

18 Q You say it was for downbound trips.
19 What about upbound trips? You feel he would not take
20 a pilot for upbound trips?

21 A Well, they would be doing their own
22 piloting up river just like sailing a ship. They have
23 sailed all the connecting waterways, the St. Marys,
24 Lake St. Clair, St. Clair River, for years, and they
25 are far worse than what you are going to contend with
26 down in, say, the St. Lawrence River, below Montreal I
27 am quite sure.

28 I am not a master of a ship, but I
29 have made many trips on a ship.

30 Q I understand you are not even a



1 sailor, like myself?

2 A I sailed as deckhand, wheelsman.
3 I didn't write for tickets. I have administered the
4 operation of the ships.

5 Q My question was simple. It was,
6 what about upbound trips?

7 A Well, they are coming upbound from
8 the sea. They stand regular watches.

9 Q Yes?

10 A There is no need for them to be
11 tired so they just keep on coming. I would say moresso
12 on upbound trips there would be much less pilotage
13 than there would be on downbound coming out of the
14 Seaway.

15 Q You say for upbound trips as far as
16 Quebec the master would not be piloting?

17 A He may be on the bridge of the ship
18 certainly. He would be directing navigation of his
19 ship.

20 Q Although he would have taken the
21 navigation of the ship to Quebec, he would then take
22 over the pilotage upbound as far as Montreal also.

23 A The master is responsible for his
24 ship no matter where it is, at what time of the day or
25 night. That is all I know.

26 Q You yourself made a distinction
27 between upbound and downbound trips. I am trying to
28 figure out why there should be.

29 A Long hours in the Seaway, with con-
30 gestion coming downbound. He may be tired when he gets



1 to the foot, and he needs a pilot. He wants relief.

2 Q You feel this would be less frequent
3 upbound?

4 A I do, yes.

5 Q Although your master might have
6 been piloting all the way as far as Quebec, for
7 instance?

8 A Might be piloting all the way from
9 Escoumains.

10 Q When he leaves Montreal what happens?

11 A His mate or somebody does the pilot-
12 ing up the Seaway.

13 Q Then if he took it downbound and
14 took a pilot at Montreal because he was too tired
15 having piloted in the River, if he were to do upbound
16 pilotage between Quebec and Montreal, then he would
17 have to request his mate I presume to do pilotage in
18 the Seaway?

19 A The mates are quite capable. They
20 are capable. They do piloting not only in the Seaway.
21 They will do piloting between Montreal and Quebec and
22 Quebec and Escoumains. They stand regular watches.

23 Q That is the way you see it?

24 A That is right.

25 Q They would be doing watches all the
26 way down river and operate on regular turn basis?

27 A You must remember these deck officers
28 have been up and down rivers and channels so often,
29 the same as the master, they are well acquainted, and
30 in fact many of the mates are certificated for piloting.



1 Q Do you know how many of your mates
2 have certificates for piloting on the River?

3 A No, I don't at the moment. I know
4 they have some.

5 Q Would you mind checking into this
6 matter, and find out how many have pilotage certificates?

7 MR. MAHONEY: If I might object here.
8 I think my friend is either misunderstanding the
9 witness or taking advantage of a terminology; termino-
10 logy "certificate of pilots". The witness gave evi-
11 dence earlier as to the certificates held by his mates,
12 being masters' certificates.

13 THE WITNESS: Inland masters.

14 MR. MAHONEY: I would submit that
15 there is some confusion that has arisen at the moment
16 between the mates holding a master's certificate and
17 a pilotage certificate.

18 THE CHAIRMAN: This would be true
19 in the United States but not here.

20 MR. MAHONEY: Yes.

21 THE WITNESS: That is right.

22 MR. LALONDE: Q If I under-
23 stand you correctly, your idea would be that they would
24 operate on the basis of regular watches? That is, the
25 mates and the captain would alternate each in their
26 turn all the way down and up river?

27 A Not exactly like this. They stand
28 regular watches, but the master at all times is re-
29 sponsible for his ship.

30 Q Yes?



1 A He figures he has been -- he goes
2 on certain watches, but if he has a mate on and the
3 mate is capable in that area, the master would usually
4 rest and then he comes back on the bridge again after
5 the mate has had his time -- has spent his time on
6 watch.

7 This is the way it would work as I
8 see it.

9 Q I think below Quebec I heard your
10 view as being that any stranger would do it. Is that
11 what you said?

12 A I don't know if I put it that way.
13 I think the navigational aids between Escoumains and
14 Quebec, a stranger wouldn't have too much difficulty
15 getting to Quebec.

16 Q Yes. I think you also said below
17 Quebec your exempted ships did not take pilots?

18 A We have several canalers which are
19 under the tonnage.

20 Q Yes?

21 A They don't take pilots. There may
22 be times in the late Fall or Spring or something, as I
23 say, they may take pilots. I don't know.

24 Q You haven't checked specifically
25 whether or not they would take a pilot occasionally in
26 bad weather?

27 A No, I haven't. I would have to check
28 that.

29 Q I notice that your brief states that
30 the minimum size of a vessel which can be registered



1 with D.M.A. is 1,000 gross tons. In your evidence you
2 stated in practice it was 1,000 tons but you did not
3 know that there was any limit?

4 A Any limit as to the -- we have ships
5 around 14,000 or 15,000 registered tons. Isn't that
6 correct, sir?

7 Q You were asked whether there was a
8 minimum limit.

9 A Minimum?

10 Q In order for a ship to be registered
11 or an owner to register with the Dominion Marine
12 Association?

13 A That says 1,000 tons?

14 Q Yes, but in answer you said you
15 didn't know. Are you sure there is a minimum of 1,000
16 gross tons?

17 A Maybe the Secretary can put us right
18 on that.

19 MR. LALONDE: The by-law will probably
20 say anyway.



1 English

2 Q. Would you mind going to page 9 of your
3 brief? There again, if you feel you are not competent
4 to comment on this, do say so and we will keep it for
5 some other witness.

6 You state at line 5 that Canadian ships
7 engaged in the coastwide trade have never needed
8 pilots except for certain circumstances mentioned before.
9 Have you been made aware through your functions as
10 President of the Dominion Marine Association that
11 several companies having ships which are exempt
12 under the present by-laws nevertheless do take pilots
13 into Quebec and Montreal Districts?

14 A. No, I could not answer that question;
15 I am sorry.

16 MR. MAHONEY: My Lord, the reference on
17 page 9 is, I think, to Great Lakes pilotage. What has
18 been done by the Association is to show the principles
19 which are used on the Great Lakes and then on the River.
20 The expression to which my friend has referred is with
21 respect to pilotage on the Great Lakes.

22 MR. LALONDE: Oh, so I understand the
23 first sentence, or even the first paragraph there is
24 connected with Great Lakes only?

25 MR. MAHONEY: Yes.

26 MR. LALONDE: It does not apply to River;
27 I am sorry.

28 Q. Does your company use the special time
29 agreement for seamen in home trade, inland or minor
30 waters?



1 English

2 A. No, not to my knowledge.

3 Q. Would you mind referring to page 21 of
4 your brief? There is a sentence there which reads:
5 "Thus the limit of 2,000 tons set out in the by-laws
6 of Montreal and Quebec Districts by Order-in-Council
7 recognized the principle that at that time the only
8 Canadian ships operating in the coasting trade in these
9 areas fell within the 2,000 ton classification."

10 Do you mean to say there that in the
11 Montreal District the exempt ships are all ships below
12 2,000 tons, or all Canadian coasting vessels below
13 2,000 tons?

14 MR. MAHONEY: My Lord, we will be calling
15 other evidence with respect to this particular matter.
16 In addition I would like to say that in reading over
17 the final copy of this brief I noticed this sentence
18 is somewhat confusing since in actual fact, as the
19 Commission knows, there is a 1,500 ton limit in one
20 District and a 2,000 ton limit in the other. But we
21 will be calling other evidence with respect to that
22 matter.

23 MR. LALONDE: Yes, and, my Lord, I
24 would like to draw the attention of the Commission to
25 paragraph 2 of Article 4 of the general by-law of the
26 Montreal Pilotage District in this respect. The
27 exemption of 1,500 tons applies for ships plying in
28 the same Province and if they are going from one
29 Province to another Province or from one State to
30 another State, the exemption is then the general one



1 English
2 provided under the Canada Shipping Act, which is 250
3 tons.

4 Thank you.

5 THE CHAIRMAN: We have still seven
6 minutes to go. Would it be worth while to commence
7 your cross-examination, Mr. Brisset?

8 MR. BRISSET: I will not be very long,
9 My Lord.

10

11 CROSS-EXAMINATION BY MR. BRISSET:

12 Q. Mr. Collison, on page 3 of your brief
13 you speak of the ships registered with the Association?

14 A. Yes.

15 Q. Is it correct to state that the ships
16 so registered are all ships trading into the Lakes?

17 A. Yes; they are trading in the Great
18 Lakes area and into the River and Gulf of St. Lawrence.

19 Q. Are the ships so registered all flying
20 the Canadian flag?

21 A. Yes, sir.

22 Q. So that any of the companies listed in
23 the Appendix that might own British registered vessels
24 will not enter these vessels into the Association?

25 A. At present they are not entered at the
26 Association, to my knowledge.

27 Q. Mr. Collison, you have stated that at
28 times your vessels, or vessels of the Association,
29 would occasionally use pilots between Montreal and
30 Kingston. You are aware that there are two Districts



1 English
2 between Montreal and Kingston?

3 A. Yes.

4 Q. The Cornwall District and the Upper
5 District, which is District #1 of the Great Lakes.
6 Are pilots used in both these Districts or only in
7 one of them usually?

8 A. No. I would say we would use it through
9 the whole District.

10 Q. From Kingston?

11 A. To Montreal.

12 Q. Off Cape Vincent to Montreal?

13 A. When we take a pilot.

14 Q. Mr. Collison, would it be fair to say
15 that where you are seeking the exemption from pilotage
16 in the River Districts, your company and the members
17 of your Association would simply want to make of the
18 use of the pilot a convenience? In other words you
19 said if the Master is tired he would use the pilot.
20 Would it be putting it fairly to say you would like
21 to make of the use of the pilot a convenience?

22 A. No, I would not put it this way. I
23 think we have got to look at the overall picture of
24 this pilotage, the situation. We have asked, as you
25 know -- you have read the brief -- exemptions. I am
26 sure that there are other matters in the brief which
27 would be coming up for further discussion and probably
28 other witnesses will give their viewpoint on this,
29 or their testimony.

30 Q. Let me pursue the matter further perhaps.



1 English

2 Assuming that pilots are only used occasionally by
3 the lake vessels, would the members of your Association
4 be agreeable to giving priority to the ocean ships
5 when there is a shortage of pilots?

6 A. I would say so, yes.

7 Q. In other words, you would recognize that
8 the ocean ships with Masters and officers not being
9 as frequently in the waters of a District as your
10 vessels would be, for that reason should be given
11 priority in case of a shortage?

12 A. Yes, I would say so. I think our
13 personnel are acquainted with the waters much more
14 probably than stranger vessels.

15 Q. There is one statement that you have made
16 that I would like to perhaps discuss with you, and
17 it is this. In answer to my friend as to whether there
18 was a trend in the lake ship building industry
19 towards building larger vessels, you answered in the
20 affirmative. Then as an illustration you said: "Well,
21 look at the bulk carriers." There is a tendency to
22 make them bigger and bigger, but is it true in all
23 trades?

24 A. Well, probably not in all trades. There
25 is in some trades where the medium sized ship would
26 still be required due to the nature of the shore
27 installations more or less at the ports, but the trend
28 is towards a larger and more efficiently automated
29 ship -- the ore and the grain trades.

30 Q. I raise this point because even in the



1 English

2 grain trade I recall your stating that at times you
3 could not fill in one of the big ships because the
4 buyer of the grain did not want that much.

5 A. This has been true at times, but this
6 may be overcome in the future; I do not know. But
7 at the present time there are times when a shipper
8 can only fill, say, a small ship with five or six
9 hundred thousand bushels, not 850,000 bushels or
10 even 250,000 bushels. He has to get it to the market
11 quickly.

12 Q. Mr. Collison, how long have you been
13 in the executive of your Association either as an
14 officer or Director?

15 A. I have functioned with the Association
16 on various committees for maybe ten years, twelve
17 years -- about ten or twelve years.

18 Q. So you have been in close contact over
19 that period of time with the policies of your Associ-
20 ation and the thoughts of the other members?

21 A. More or less, yes.

22 Q. Would it be fair to say, Mr. Collison,
23 that prior to the opening of the Seaway the lake
24 shipping industry was quite fearful of the competition
25 of the ocean vessel in the Lakes?

26 A. I would say I think the lake boat can
27 stand up on its two hind feet when it comes to
28 competition probably.

29 Q. In other words, because of this vitality
30 and this dynamism the lake shipping industry has been



1 English
2 able to meet the competition of the ocean ship as
3 experience has proven now after three or four years.
4 Is that a fair statement?

5 A. Well, I care not.... I would say probably
6 it is not too fair. We have met some competition.
7 I think this comes in the bulk field. We are not
8 in the general cargo trade overseas. The lake ship
9 cannot get outside of the confined waters of the Great
10 Lakes due to its class and type.

11 Q. Have any of your ships been trading
12 on the east coast?

13 A. None of the Q and O ships. We have no
14 ships capable of going outside the east coast.

15 COMMISSIONER SMITH: My Lord, I have
16 just one brief question I would like to ask in
17 connection with the trend of the size of the ships
18 that are being built. As you gave testimony it is
19 quite obvious that the lakers are being made larger --
20 in fact I think just about as large as the locks
21 can accommodate. The trend, as I understand it --
22 and I think some evidence was given before this
23 Commission elsewhere-- is that the trend in the ocean-
24 going dry cargo, general cargo ships and the tankers
25 is a little lower in tonnage than previously. Can
26 you make any comment on that statement?

27 THE WITNESS: Well, I think first of all
28 you should look at it in this light. In the St.
29 Lawrence Seaway system the locks are such that your
30 economically sized ship -- you have set your economics



1 English

2 at a 25 or 26,000 ton ship. This is all you can
3 handle in this area.

4 There is an area in the Great Lakes
5 above the Seaway system, above the Welland Ship Canal
6 which is now being developed which was mentioned by
7 his Lordship here, a movement of ore at Sault Ste.
8 Marie. These ships can be 850 feet in length with
9 a capacity of almost 40,000 tons of ore. The trend
10 here was, as we go to the larger bulk class of ship,
11 driving down the unit cost by carrying 40 to 50,000
12 ton bulk carriers and 25,000 upwards.

13 You are quite correct in your statement
14 that the general cargo ship is more or less disappearing.
15 In other words, that tonnage has been depleting
16 gradually and should probably continue to deplete
17 with the development of the large bulk carrier and the
18 specialized ship and the nature of general cargo
19 between Europe and Canada, which is going into a
20 smaller ship and into containerization, which is being
21 studied in very much detail nowadays. This is going
22 to change a lot of things.

23 COMMISSIONER SMITH: Thank you.

24 THE CHAIRMAN: Some counsel may have
25 some further questions of Mr. Collison. I think
26 Commission counsel have none. Will you have some more,
27 Mr. Lalonde? In any event, we are going to adjourn.

28 MR. LALONDE: The witness will be
29 available after lunch?

30 THE CHAIRMAN: Yes. We will adjourn now
until 2:30.

LUNCHEON ADJOURNMENT



1/VA.

1 English

2 THE CHAIRMAN: Mr. Langlois?

3 MR. LANGLOIS: No questions.

4 THE CHAIRMAN: Mr. Jacques, do you have any
5 questions?

6 MR. JACQUES: No, sir.

7 RE-EXAMINATION BY MR. MAHONEY:

8 Q I have one or two questions on re-
9 examination. Mr. Collison, in answer to questions by my
10 friend, Mr. Lalonde, and I think this point was also
11 mentioned by Commissioner Smith, with respect to the
12 trend in ship building to-day. You told us earlier that
13 the proportionate number of smaller vessels registered
14 with the DMA in 1963 was not all that much different
15 from the proportionate number registered before the
16 opening of the Seaway, although the actual numbers
17 differ the proportions were not radically different.
18 That is my recollection of the general tenor of your
19 testimony.

20 Now, in view of that would you say that so
21 far as the Great Lakes industry itself was concerned
22 that there is a strong trend towards building anything
23 but larger ships?

24 A I would not say a strong trend. There
25 are still the industries that require some smaller
26 size ships and the one that are in service at the present
27 time will continue for some time and new ones will be
28 built, more efficient probably.

29 Q For example, Mr. Collison, taking your
30 general knowledge of the ships which have been built



1 English

2 by the Lakes Shipping Industry within, say, the past
3 two years, can you recall the number of large ships
4 as opposed to the number of small ships that have been
5 built.

6 A Well, I would say that the larger ship;
7 is probably predominating a little bit. Not too much.
8 There has been an equal number, pretty close, of smaller
9 ships built.

10 Q Predominating in tonnage or in numbers?

11 A In tonnage.

12 Q Would you say there have been more small
13 ships than large ships built in the past few years?

14 A I would say yes, probably.

15 Q Can you recall, just as a matter of
16 general knowledge, some of the ships that have been
17 built by the industry; not necessarily by the Dominion
18 Marine Association members but generally by the industry
19 in the past few years?

20 A Specialized newsprint carriers, four
21 of them, smaller tankers have been built.

22 Q Four newsprint carriers. Are you
23 referring to the Patterson ships?

24 A Yes, from special ships built for
25 pulpwood in the St. Lawrence. Consolidated built three
26 or four.

27 Q During the years can you recall roughly
28 how many very large ships have been built.

29 A Probably half a dozen have come out since
30 that time, half a dozen to eight.



1 English

2 MR. LALONDE: Is that including the extra
3 big upper lake ships?

4 THE WITNESS: I am taking the upper lakers,
5 the members and non-members.

6 MR. LALONDE: What about the one that is
7 going to be launched in two weeks?

8 THE WITNESS: That is another one. That is
9 not launched yet.

10 MR. MAHONEY: Q. You mentioned five or six
11 of the smaller ships and you say between six and eight
12 of the larger ones --

13 A Within the period of time that you had
14 mentioned.

15 Q Are there any medium sized ships being
16 built now?

17 A Not to my knowledge at the moment. I
18 think there are some on the drawing boards, two new
19 coaster types of vessels being considered now by one of
20 members in the five thousand ton class.

21 Q Gross tons?

22 A We call them five thousand ton dead
23 weight.. They will be four thousand gross registered.

24 Q That is a larger number of the smaller
25 ships?

26 A The MANZUTTI was another medium, the
27 tankers have gone into the medium size ships. Imperial
28 Oil and the Hull Corporation, there is a demand for this
29 class of ships.

30 Q In the numbers of ships that are being



1 English

2 built it would not be fair to say that the trend in
3 new ship building was always towards the larger ships.

4 Is that correct?

5 A Not altogether. If you take all
6 commodities you might get a different viewpoint.

7 Q Or if you take tonnage?

8 A Yes.

9 Q Going back to another question which
10 Mr. Lalonde asked you about, the canaller category.
11 Before the building of the St. Lawrence Seaway you
12 had said in your earlier testimony these dated from
13 about 1954 at the earliest date. Mr. Lalonde brought
14 out that some of the canallers were considered to be
15 older than this. Could you tell the Commission generally
16 speaking when the St. Lawrence Seaway was built and the
17 canallers became obsolete and were gradually scrapped
18 which were scrapped, the older ones or the new ones
19 recently built.

20 A The older were scrapped, not the newer
21 ones.

22 Q Would you say to-day, a few years after
23 the building of the Seaway, were there any canal sized
24 ships built before 1954 remaining in service?

25 A There are some in service yet.
26 Patterson's have some in service.

27 Q I am speaking of canal size ships?

28 A Yes, the old canallers built prior to
29 1954.

30 Q Yes?



1 English

2 A Yes, some in work yet.

3 Q Very many of them in proportion to the
4 total number in that class?

5 A There are quite a few. Hull and
6 Pattersons operate some yet.

7 Q Again just from your general knowledge
8 of the industry and the Hull Corporation ships, what
9 would be the age of, say, some of their older canal
10 size ships?

11 A Their age would go back to around 1928-
12 1930.

13 Q How many ships in that category, again
14 roughly, would Hull Corporation operate.

15 A Oh, I think they have at least five or
16 six ships in that category, small canal size. I believe
17 several of them are converted to tankers though.

18 Q Were some of the canal size ships
19 converted by lengthening?

20 A Yes, some ships were elongated. Beacons-
21 field did this and the Hull Corporation.

22 Q When you place the date of 1954 on these
23 canallers as the beginning date for the building of
24 a number of them why did you select that date?

25 A The way the question, I think, was
26 placed. You must remember canallers were built long
27 before 1928. Some came out in late in 1918 and the
28 early 1920's. It was the way the question was put to me,
29 I think. That was the latest type of that ship that
30 had been built was the type of the Patterson and Hull



1 English

2 Corporation, Sarnia dock and some others.

3 Q Do you recall whether any canallers
4 were built after it became known that the Seaway would
5 be completed in a few years time?

6 A Yes.

7 Q There were still canallers built?

8 A Yes. For certain trades there have to
9 be.

10 Q Would you say those canallers are still
11 operating?

12 A Yes. That is the modern efficient ones
13 are operating.

14 Q On answer to a question by my friend
15 Mr. Brisset you stated that the industry generally
16 would be satisfied to give priority to ocean ships not
17 seeking pilots if exemptions were granted to the lake
18 vessels. Do you recall that question? Is it not true
19 that some of the lake vessels only very occasionally
20 trade down below Montreal?

21 A Yes. Those might be some of the medium
22 sized upper lakers. They may only make one or two trips
23 a year down below Prescott.

24 Q Would you think with regard to those
25 particular ships the owners would be willing to see a
26 priority granted to an ocean ship?

27 A I don't believe I can talk on this for
28 the owner.

29 Q From your general knowledge?

30 A From general knowledge I would say they



1 English

2 likely would be if the master had the qualifications.

3 Q Do you feel in some cases the masters
4 would not have the local knowledge?

5 A They would want a pilot then if they did
6 didn't have the knowledge. That is for sure.

7 MR. BRISSET: That would be the exception to
8 the exception to the exception!

9 MR. MAHONEY: Q Now in the brief filed by
10 the Dominion Marine Association, page 15, it has been
11 pointed out if exemptions were available to lake ships
12 that these exemptions would not always be used by the
13 lake vessels. Has this been pointed out so as to take
14 into account the ships which very occasionally go to
15 the area.

16 A I would say the occasional ships would
17 want to take a pilot in that area.

18 Q Would you say, Mr. Collison, through
19 the years there will always be a minority of lake ships
20 who only occasionally make the voyage to the lower St.
21 Lawrence River?

22 A Yes, I would say that is correct.

23 Q In the figures which have been given
24 here on reduction in the amount of pilotage taken, if
25 I may put it that way, for example in the Montreal
26 Pilotage District where the Association says that over
27 a period of ten to twenty years this percentage might
28 be reduced as much as fifty percent, in that fifty
29 percent allowance is made for the lake ships that would
30 need a pilot?



1 English

2 A That is right, the ships that come
3 down only occasionally.

4 MR. LALONDE: I could be as annoying as my
5 friend tried to be this morning and object to his
6 leading questions but I will not.

7 MR. MAHONEY: I thought you would like the
8 answers!

9 CROSS-EXAMINATION BY MR. JACQUES:

10 Q If I may be permitted one question;
11 have you always worked for the same company?

12 A No, prior to joining Quebec and Ontario
13 I was with N. M. Patterson Company.

14 Q You have been connected with lake
15 shipping how many years?

16 A Thirty-three to thirty-four years.

17 Q To the best of your knowledge what
18 instructions if any are given to your masters with
19 respect to pilotage in a district where you don't have
20 to take a pilot?

21 A Where we don't have to take a pilot?

22 Q Yes?

23 A I have never given them any particular
24 instructions other than they know the reason why they
25 took a pilot.

26 Q What happens if the reason is not found
27 satisfactory by you?

28 A They are so instructed to do otherwise
29 then. I have no standing instructions to the masters
30 in respect to this problem. He is in charge of his ship.



1 English

2 There are times, as I said, there may be a need of
3 some respite and he takes a pilot.

4 Q What would be the reaction if you received
5 a bill from one of the masters between Quebec and
6 Les Escoumains?

7 A I do receive bills for pilotage between
8 Quebec and Les Escoumains. We have ships that require
9 pilots in the district. They are over tonnage.

10 Q What about an exempted ship, say the
11 FRANKLIN?

12 A If he had a valid reason, weather or
13 some reason he wanted, if he used the pilot we would
14 have to pay for the pilot.

15 Q And with respect to Companies with
16 whom you were with before you were with Quebec and
17 Ontario Transportation Company, do you know if any rules
18 or instructions were given to masters with respect
19 to the employment of pilots?

20 A No, I was never in that position to
21 issue instructions to masters with respect to the
22 policies of the company. In our own case we told
23 our masters we don't have pilots if they can get
24 along without. They have as good a knowledge of the
25 areas and the waters as the pilots have in many respect
26 and maybe more so.

27 Q We were told at sometime during the
28 hearings that lake ships paid to the master and/or
29 mate who did the piloting some part of what would have
30 been the pilotage dues?



English

A I don't know of any case outside of our own case and we don't make any differential. They are paid their regular salaries for doing the work. They may get overtime if they are off watch. They are paid overtime. I couldn't tell you what other companies do. Our own company if they are on last end watch they are maybe paid some overtime, if they are off ordinary watch.

Q This overtime would not be applicable only if they did pilotage overtime? It is paid generally no matter what your captains or mates do?

A He receives his regular overtime rate. We have a labour contract aboard the ship and if they are off watch and doing piloting he is paid overtime.

-

-

-

-



1 English.

2 Q If he is off watch and doing something
3 else he is still paid overtime?

4 A Yes.

5 Q What I want to get at is this overtime
6 something which applies only if your mate or master
7 works overtime as a pilot doing piloting.

8 A They are paid overtime for every work
9 on board ship. If they are off watch - - on the
10 regular watch and expected to do pilotage, they are
11 paid overtime. The Master gets no overtime. He is
12 the responsible officer of the ship. He is the Chief
13 Executive Officer.

14 Q Would you repeat your answer, please?

15 A In which respect?

16 Q The last answer you gave. You say the
17 Master--

18 A Is the Chief Executive Officer. He
19 receives no overtime to my knowledge for doing any
20 piloting or directing the mate in piloting. Just the
21 mates are paid overtime.

22 Q How do you proceed to choose your Masters
23 to ensure that they have the local knowledge to trade in
24 your ports.

25 THE CHAIRMAN: Excuse me, are you changing
26 the subject there.

27 MR. JACQUES: Yes, my Lord.

28 THE CHAIRMAN: Did you have any question,
29 Mr. Mahoney? I knew he was questioning when you
30



1 English

2 interrupted him this morning.

3 MR. JACQUES: Actually I think he is
4 pleased; his next witness is not here yet.

5 Q How do you proceed to select your
6 Masters and/or Officers?

7 A Well, I would like to put it this way:
8 In my experience with my company of which I have been
9 General Manager since 1934, the men have been selected
10 mostly through the ranks. They have come up from deck
11 hand, wheelsman, deck officer, to Master. They have
12 over the years developed themselves upon our request to
13 learn all these waters, every intricacy there is of them
14 and so forth, and this is where we have developed them
15 to a point where they know the waters in my opinion as
16 well as the pilot.

17 Q You train your own men?

18 A They train themselves. I don't go down
19 and board the ship and train them. They train themselves.
20 After all, they have to write for tickets, so they have
21 to take the training.

22 Q When I say "you" I mean the Company?

23 A Oh, yes. We advocate this.

24 MR. JACQUES: Thank you.

25 MR. MAHONEY: I have no further questions
26 my Lord. It is perfectly true, as my friend pointed out.
27 My next witness is not here. I asked him to be here at
28 3.00 P.M. It is now three minutes after I think.

29 MR. LALONDE: I may help you for a few
30 minutes.



1 English.

2 MR. MAHONEY: Thank you very much.

3 MR. LANGLOIS: No overtime for that.

4

5 CROSS EXAMINATION BY MR. LALONDE:

6 Q The statistics to which my friend has
7 referred on page 15 and 16, the eventual decrease in
8 the use of pilots if you were to be given exemptions,
9 on what basis have they been calculated?

10 A I am sorry, I cannot answer on what
11 basis. It is just a general trend of the way they go
12 most likely.

13 MR. MAHONEY: I am sorry to interrupt,
14 but we will be offering some evidence on that point.

15 MR. LALONDE: It is just that you asked
16 a question about this.

17 Q You said bulk trade was the main trade
18 for your ships, wasn't it?

19 A Bulk cargo, yes.

20 Q Bulk cargo?

21 A That is right.

22 Q Do you have any idea what percentage it
23 would be in the total cargo of lake ships?

24 A Do you mean overall bulk cargo?

25 Q Yes.

26 A I would say 95 percent, 90 percent to
27 95 percent. 95 percent. There isn't much package
28 freight carried on the Great Lakes. Taking in the
29 overall tonnage, package freight may account for 5 or 6
30 or 7 percent of the total tonnage, Great Lakes tonnage.



1 English

2 Q Do you have a system of bonuses for your
3 Captains in your company at the end of the year?

4 A Yes, we have a service bonus with the
5 company. Of course, any bonus that is paid is at the
6 discretion of the Directors of the company?

7 Q Yes.

8 A But when it is paid, it is paid on the
9 basis of length of service with the company.

10 Q On the basis of so much per year?

11 A Based on a percentage of their overall
12 earnings.

13 COMMISSIONER SMITH: My Lord, I just
14 have one question to ask this witness. Mr. Collison,
15 I don't think your organization had anything to do with
16 the brief that was recently submitted to the Government
17 asking for a Canadian Merchant Fleet, but there is a
18 statement here that prompts me to ask you a question. I
19 don't know whether this matter is sub judica or not, but
20 I do not think it is very serious. This is what it says
21 about the brief: "The brief itself asked for the
22 construction subsidy for ships built in Canada to be
23 increased from 35 to 40 percent, and called for the
24 revision of legislation and International agreements to
25 improve Canada's position in shipping."

26 I presume that refers to overseas shipping
27 rather than the type of shipping that you are engaged in
28 in the Great Lakes. However, was your organization a
29 party to this submission to the Government which was
30 just made recently?



Collison, or ex
(LaLonde)

1 English.

2 THE WITNESS: No. This is a brief pre-
3 pared by the Canadian Ship Builders Association was it
4 not?

5 COMMISSIONER SMITH: Yes, but it was
6 presented by The Maritime Workers Federation I think.

7 THE WITNESS: Maritime Workers Federation?
8 No, we were not a party to the brief.

9 THE CHAIRMAN: It was about two weeks ago.

10 COMMISSIONER SMITH: Yes, quite recently,
11 my Lord.

12 THE CHAIRMAN: We have a copy at the Office.

13 THE WITNESS: We were not a party to that
14 brief to my knowledge.

15 MR. LANGLOIS: Shipyard employees only.

16 THE WITNESS: Shipyard employees probably
17 or Canadian Shipbuilders Association.

18 COMMISSIONER SMITH: You have no connec-
19 tion with it in any event?

20 THE WITNESS: No, sir.

21 COMMISSIONER SMITH: That is what I thought.
22 I just wanted to clear that point up. Thank you very much.

23 MR. MAHONEY: I have no further questions.

24 THE CHAIRMAN: Thank you very much Mr.
25 Collison. We might adjourn for a few minutes if your
26 witness is not here.

27 MR. MAHONEY: I have my witness now, my
28 Lord.

29 --- Witness retires.
30



CAPTAIN STANLEY JOSEPH TISCHART, Sworn:

English.

THE CHAIRMAN: Your age?

THE WITNESS: 57.

THE CHAIRMAN: Your occupation?

THE WITNESS: Vice-President, Operations,
Upper Lakes Shipping.

THE CHAIRMAN: Your address, please?

THE WITNESS: 1 Bridgeview Road, Toronto
9, Ontario.

DIRECT EXAMINATION BY MR. MAHONEY:

Q Now, Captain Tischart, you are now
employed by and are an Officer of Upper Lakes Shipping
Limited; that is correct, isn't it.

A That is correct.

Q In addition to that you are a certificated
Ship Master; is that right?

A That is right.

Q What certificate of competency do you
hold?

A Masters Home Trade.

Q How long have you had that certificate?

A Since 1939.

Q How long have you been employed by
Upper Lakes Shipping Limited?

A Thirty three years.

Q When did you first take up your sailing
career?

A 1927.



1 English

2 Q I take, it Captain Tischart, you are not
3 actively sailing a ship now?

4 A That is right. I am not.

5 Q Would you tell the Commission when you
6 stopped sailing a ship and took on administrative duties
7 with the company?

8 A In August, 1948.

9 Q 1948?

10 A Yes.

11 Q What were your duties with the Company
12 at that time?

13 A Master on the steamer DOUGLAS HOUGHTON.

14 Q When you came ashore?

15 A Shore captain.

16 Q What are the duties of a shore captain?

17 A Well, more or less you are a trouble
18 shooter; going to every dry dock and looking over the
19 damage and estimating it, and talk it over with the
20 underwriters. On top of that, you line up all your
21 officers, that is mates, second and third mates and
22 captains for their positions on board the boat. See
23 that your vessels are all kept up, and inspected three
24 of four times a year.

25 Q Are you a member of the Shore Captains
26 Committee of the Dominion Marine Association?

27 A Yes.

28 Q Is Upper Lakes Shipping Limited a member
29 of the Marine Association?

30 A Yes.



1 English.

2 Q Can you recall how long you have served
3 as a member of the Shore Captains Committee?

4 A I would say in the neighbourhood of
5 ten years.

6 Q You don't hold or do you hold any other
7 official positions with the Dominion Marine Association?

8 A No.

9 Q During your sailing career, Captain
10 Tischart, did you have occasion to work on vessels
11 in other area, other than the Great Lakes?

12 A Mostly on the Great Lakes.

13 Q Are you familiar at all with the lower
14 St. Lawrence River area?

15 A Not too much, no. I made several trips
16 down twenty years ago. At the present I am not familiar.

17 Q Your practical experience in that area
18 is --

19 A Nil practically.

20 Q So that your practical experience, again
21 as a Great Lakes Master has been confined to the Great
22 Lakes themselves.

23 A Upper Lakes, yes.

24 Q Now, in your present occupation with the
25 Upper Lakes Shipping, as Vice-President, Operations,
26 could you give the Commission a general idea of your
27 duties?

28 A Well, I suppose the most important thing
29 is to get cargoes and to keep the ships going. The
30 second would be to keep them out of trouble, the best



1 English

2 and most economical way we see fit, and appointing of
3 all the Masters aboard the boats and dispatching the
4 ships.

5 Q You actually employ all of the Masters?

6 A Yes.

7 Q And mates?

8 A Yes. All the officers on board.

9 Q You dispatch the vessels from whatever
10 port they are at to whatever port they go to?

11 A That is right.

12 Q When you say keeping the vessels out of
13 trouble are you in fairly constant communication with
14 the ships?

15 A Yes, communicating with them every day,
16 and with the Masters practically every trip at least
17 we talk over the ship or land phone.

18 Q Do you have a direct radio telephone
19 communication with the ship?

20 A Well, through the Bell, that is all.

21 Q With the Bell?

22 A Yes.

23 Q I think you said you speak to the
24 Masters of each ship about once a day,

25 A No, about once a trip.

26 Q Do you have a constant check on where
27 the ship is in the Great Lakes System or the St.
28 Lawrence?

29 A Every day.

30



1 English.

2 Q Now, will you tell the Commission or
3 give the Commission rather a general description of the
4 type of ships that are operated by Upper Lakes Shipping
5 Limited, their size, their number and their general
6 usage?

7 A We have 15 ships we are operating this
8 year. Four of them in the seven thousand ton class.

9 Q I'm sorry, when you say seven thousand
10 ton class, do you mean gross tons or net registered
11 tons?

12 A Gross. I am talking about carrying.
13 We have two more approximately twelve thousand tons,
14 and we have three at eighteen thousand, and the
15 balance, the big ones are approximately twenty-five
16 thousand tons.

17 Q So you have none of the smaller ships
18 under four thousand tons?

19 A No.

20 Q At least not operating?

21 A No. That is right.

22 Q Are these ships all restricted in their
23 certification to inland waters?

24 A All with the exception of one. We have
25 one salt water vessel. Dual Great Lakes and salt water.

26 Q Did you include that ship in your total?

27 A Yes.

28 Q Aside from that, the others are all inland?

29 A All inland ships.

30 Q Then, what is the limit, the eastward limit
to which they can navigate.



1 English

2 A The eastern limit we navigate is Seven
3 Islands. I believe they can go down a little further.

4 Q They could go slightly further; is that
5 right?

6 A Yes.

7 Q Would you tell the Commission, please,
8 the type of cargo that these ships carry?

9 A Mostly iron ore. About 50 percent
10 iron ore I would say, and one third coal and the balance
11 grain.

12 COMMISSIONER SMITH: Excuse me for
13 interrupting you on that point. This iron ore, where
14 is that picked up? Is that the Quebec Laborador iron
15 ore or Mesabi?

16 THE WITNESS: About half of it there.

17 COMMISSIONER SMITH: Half and half?

18 THE WITNESS: Half Seven Islands and
19 Port Cartier and the balance from Lake Superior to the
20 Dominion Foundaries. Taconite Harbour, Silver Bay,
21 Lake Superior and Marquette, Michigan to Dominion
22 Foundaries and Steel at Hamilton where we have in the
23 neighbourhood of one million tons from between Port
24 Cartier and Seven Islands to Lake Erie ports.

25 MR. MAHONEY: Q Does the Upper Lakes
26 Shipping Limited carry any packaged freight?

27 A No, they don't.

28 Q The bulk cargoes which are carried, I
29 think you have already made some reference to this --
30 what percentage of that cargo is international trade;



1 English

2 that is, between a Canadian and American Port or vice
3 versa, and what percentage is domestic or coasting trade.

4 A I would say about 75 percent of it would
5 be international.

6 Q And 25 percent coasting?

7 A Yes.

8 Q Has that figure varied much through the
9 past years, say, the past ten years?

10 A Yes, since the seaway opened it has
11 quite a bit. Previous to that it might have been
12 50-50.

13 Q Since the Seaway then there is an
14 increase in international trade?

15 A About 25 percent.

16 Q How do you account for that change?

17 A The main change I would say would be
18 in Labrador ore, bringing it up to Lake Erie. A big
19 increase in that and we do carry a lot of American
20 grain the last few years to Three Rivers, Quebec,
21 for export overseas. That is all pretty well new
22 business, the grain, as well as Seven Islands ore to
23 Lake Erie.

24 Q Is there any significant quantity of
25 iron ore being carried by vessels of your company
26 between Seven Islands and Hamilton, for example?

27 A None whatever. Not in the last two
28 years.

29 Q Not at all?

30 A No.



1 English.

2 Q Is it expected that this trade would
3 grow?

4 A Yes, it is.

5 Q Now, Captain Tischart, as a member of
6 the shore captains committee of Dominion Marine
7 Association, have you taken part in past years in the
8 meetings of the Association of the navigation committee?

9 A Yes, I have.

10 Q Were you ever a member of the navigation
11 committee before you became a shore captain?

12 A I was, yes.

13 Q I take it you were appointed by the
14 company to sit on that committee?

15 A Yes, as active master before I came
16 ashore.

17 Q What was your term of office on that
18 committee when you were appointed?

19 A No more than one of the committee. I
20 was never Chairman, if that is what you mean. One of
21 the committee members.

22 Q For how long did you actually sit?

23 A Oh, I see. I am sorry. Two different
24 seasons. I believe six years. Two seasons of three-
25 years.

26 Q Three-year periods?

27 A Yes.

28 Q As a shore captains committee do you
29 generally or always attend navigation committee meetings?

30 A Pretty well always.



1 English.

2 Q Where are these meetings generally
3 held?

4 A The shore captains committee generally
5 in the Dominion Marine Office.

6 Q I mean the navigation committee?

7 A I am sorry. I haven't attended those
8 for two years now. It is three years since I attended
9 the last one in Ottawa.

10 Q What as you understand it is the purpose
11 of the Association's navigation committee?

12 A I think the real reason is to make it
13 safer for navigation on the Great Lakes; getting
14 true facts from the active masters, where they think
15 it is necessary to have ranges changed or different
16 buoys put into position to keep vessels in safe waters
17 at all times. I believe that is the main reason.

18 Q How long does your experience with the
19 navigation committee, both as shore captain and an
20 actual member of the committee go back? How far back
21 does that go?

22 A At least fifteen years.

23 Q Would you say that since that time by
24 reason of your knowledge of the changes which have been
25 made in the aids to navigation and facilities, that the
26 navigation committee of the Association has made a
27 contribution to safety on the Great Lakes?

28 A Definitely. I would say for sure, yes.

29

30



1 Q Have you ever attended meetings of the
2 navigation committee of the Lake Carriers Association?

3 A Yes, I have.

4 Q Where are those meetings held?

5 A Cleveland.

6 Q Are they similar meetings to the
7 Canadian meetings or are they different?

8 A No, they are similar, I would say --
9 under the same principle.

10 Q Do you recall off hand who attends such
11 meetings both on the American and Canadian side in
12 addition to the ships masters and the shore captains?

13 A Yes. The United States engineers sit
14 in on most of them and the Coast Guards.

15 Q Are you referring to the American side
16 or the Canadian side?

17 A The American side. On the Canadian
18 side we have meetings with officials from Ottawa when
19 we are in Ottawa at our meetings.

20 Q Do you recall whether any members of the
21 corps of engineers and coast guards sit in on the Ottawa
22 meetings?

23 A Yes, they do.

24 Q What geographical area does the committee
25 cover at those meetings?

26 A At the head of the lakes, Duluth, Fort
27 William and Port Alfred, Chicago right through to
28 Seven Islands.

29 Q In addition to making recommendations
30



1 English

2 concerned with improvement in aids to
3 navigation and such like, does the navigation committee
4 have any part in the setting up of separate courses
5 for the Great Lakes?

6 A Yes, they do. It is discussed with them
7 and quite often as a rule they will sit down and draw
8 out courses and see if they are suitable before they
9 are passed.

10 Q Can you recall any specific incidents
11 where the original suggestion for an individual separate
12 course has arisen?

13 A Not at the time, but I have sat in
14 on them when they were made out for Lake Erie and
15 Lake Ontario.

16 Q Is this generally done by a committee
17 of the whole -- that is, of the whole navigation
18 committee or by a subcommittee?

19 A I think they start off with a whole
20 committee and then it is brought down to a certain
21 number of them, and the final one after they are all --

22 Q Then what happens? Is it referred to
23 the committee as a whole?

24 A Yes, I believe they are.

25 Q Assuming that a particular separate
26 course is approved, let us say, by the D. M. A.
27 navigation committee, what would happen to it then?

28 A I would think myself, I am pretty sure
29 it does go over to the lake area for their approval.
30 They are advised of it.



1 English

2 Q If the suggestion arose on the American
3 side would the same thing happen?

4 A It should; it would, yes

5 Q Would you explain to the Commission the
6 purpose of the separate courses?

7 A Well, I think the main purpose is in
8 fog and poor visibility to keep them apart, to make
9 sure at least the course is set around five or seven
10 miles apart. That is the main principle of it, I
11 would think.

12 Q Is the separate course a track which
13 the ships must follow?

14 A Yes. All the masters, I believe all
15 of them have orders to follow the Lake Carriers separate
16 courses.

17 Q Yes, but is it considered as a track
18 to follow or is it a limit within which they must
19 keep?

20 A It is a limit, I would say, because
21 in bad weather you would vary from it if the seas
22 get big. It is a limit that you are set apart under
23 ordinary weather conditions.

24 Q Would you say your masters are
25 instructed to keep as close to it as possible?

26 A To the Dominion Marine Lake Carriers--
27 as possible.

28 Q Do you recall, Captain Tischart, whether
29 the navigation committee of the Dominion Marine Associa-
30 tion have ever considered the possibility of separate



1 English.

2 courses for the Lower St. Lawrence River or the
3 Gulf of the St. Lawrence?

4 A No, I cannot say I do.

5 Q You mean you cannot recall any meetings
6 that you have been at?

7 A No, not that I have sat in on. I
8 missed it this year. They could have had it but I
9 heard
never/it.

10 Q Getting back to the particular ships
11 operated by the Upper Lakes Shipping Limited, Captain
12 Tischart, would you tell the Commission generally the
13 sort of equipment which is carried by those ships for
14 assisting in navigation?

15 A Well, all our larger vessels have two
16 radars on them. They have direction finders, ship/shore
17 phone, F. M. phones and automatic steering.

18 Q When you say two radars are they duplicate
19 lines?

20 A No. We have a long distance lake
21 radar and a river radar.

22 Q And the radio telephones; do you have
23 more than one set?

24 A A radio A.M. and F.M. phone -- frequency
25 modulation.

26 Q Are any of the ships weather reporting
27 ships?

28 A Yes. I would say half of them are.

29 Q What does this mean? What are their
30 duties as weather reporting ships?



1 English

2 A They have to give the weather report,
3 of course. They give it to the land stations on the
4 radio twice a day. I think it is around eight in
5 the morning and around eight at night. I do not know
6 the exact hours.

7 Q Do they make these reports no matter
8 where they are; that is, on the lakes or on the
9 Gulf?

10 A I would say they make them every
11 morning, unless they are in port, of course. If they
12 are on a run they make them.

13 Q Captain Tischart, I think you said that
14 you were responsible for the hiring of masters and
15 mates. Can you recall as a general thing the degree
16 of qualification which your masters and mates have?
17 What sort of certificate do they have?

18 A Not right through, but I do know that
19 all our masters have masters ~~home-going~~ certificates
20 or masters coasting (which is the same) and I think
21 all the first mates at the present time have a masters
22 inland certificate at least, or better.

23 Q Captain Tischart, before the opening
24 of the St. Lawrence Seaway, did Upper Lakes Shipping
25 Limited operate a fleet different from the fleet
26 which is now operated?

27 A Yes, they did. At that time before
28 the Seaway was opened, a year previous to that we
29 ran about seventeen canal ships and maybe at that time
30 we had about eight upper lakes ships, but nothing much



1 English.

2 over the 7000 ton class.

3 Q That was until the opening of the
4 Seaway?

5 A Yes. They first year the seaway
6 opened I think we did operate about half of them --
7 maybe about ten of the canalers -- and the second
8 year about two and the last -- I guess it is four
9 years since we have been operating any canalers.

10 Q The personnel, particularly the
11 certificated personnel of those ships, as the canals
12 were laid out, what happened to them? Were they
13 retained by the company or discharged?

14 A No, we kept them all on. We put the
15 odd third or fourth mate back to wheelsman, but as
16 to the others, instead of three mates on our large
17 boats, we put four mates on them all to use up some
18 of them. We did have a surplus of masters, four or
19 five or maybe six of them, that I used to spell off
20 with other captains to give them rest -- not spell
21 off put them on the trips to get them educated.

22 Q Where would you use them?

23 A Mostly from Port Colborne to Montreal
24 through the Seaway.

25 Q Before the opening of the Seaway did
26 any of the Upper Lakes Ships either the canaler
27 class or the larger ones, use pilots in the St.
28 Lawrence River?

29 A Yes, we did. I believe we had four
30 of what we call special pilots. They were not special.



1 English

2 We were in charge of them for the year. We could call
3 them up to take over one of our vessels. They were
4 paid by the pilot authorities but called by our company.

5 Q Were these people under contract to you
6 or pilots that you selected?

7 A No, these pilots we selected.

8 Q Would you tell the Commission why you
9 found it necessary to use pilots? This was in the
10 Montreal/Kingston area, I take it?

11 A Yes, that is right. Well, at that
12 time there were a lot of currents and a lot more
13 falls, rapids and everything; a lot more dangerous
14 than it is today. On top of that, we had about three
15 times as many locks. It relieved the master of some
16 of those duties. There were 21 or 24 locks and they
17 were kept pretty busy doing the canals and locks
18 beside the river. That was the main reason.

19 Q Do you regard the river between
20 Kingston and Montreal as being simplified for
21 navigation, aside from the number of locks, by the
22 building of the Seaway?

23 A Very much so.

24 Q When the Seaway was completed, I take
25 it then that your larger ships began to operate?

26 A That is right.

27 Q Did you continue to use special pilots
28 in that area?

29 A No, we did not.



1 English.

2 Q Have you used any personnel not
3 permanently on the ships in that area? Have you
4 brought any ---

5 A Outsiders in?

6 Q Yes.

7 A No, we have not. We have never used
8 other than our own people (is that what you mean?)
9 to help on the ships. We have never hired outside
10 help or pilots.

11 Q But when you say your own people, you
12 did employ what you were calling the special pilots?

13 A No, not since the Seaway opened we have
14 not had special pilots. We had our captains that were
15 on the canal boats and were laid off to go on there
16 and help them out, not only in the rivers but in the
17 locks. Any place where the master wanted a rest, the
18 spare captain would take over.

19 Q Where would the captains board ship?

20 A Sometimes we would put them on at
21 Port Colborne and they would stay on for maybe two
22 trips, if we did not need them and if one was in
23 need of a rest. Sometimes at Clayton and sometimes
24 Montreal. Sometimes they would go down to Seven
25 Islands and take one or two trips on a boat, depending
26 on how the masters felt. If they said they were tired
27 and needed a little rest, I would put one of the men
28 on.

29 Q During that period of time have you
30 ever used licenced pilots from the Montreal-Kingston



1 English.

2 district?

3 A No.

4 Q Not even on the ----

5 A On the Ridgetown. She is British
6 Registry. It is compulsory. I am sorry.

7 Q Did you include the Ridgetown in the
8 list of ships which you gave us?

9 A Yes.

10 Q She is not Canadian registered?

11 A No.

12 Q Aside from the Ridgetown then?

13 A We have never used a pilot, no.

14 Q Did you receive correspondence, Captain
15 Tischart, from the pilotage authority with respect to
16 your use of the relief officers?

17 A Yes, I did. I had several letters from
18 them. I had a letter about two years ago, I believe
19 from the ---

20 Q I produce to you a file of correspondence.
21 Would you identify that, please, Captain Tischart?

22 A Yes. I did receive that myself from
23 Mr. Edwards.

24 Q Yes, and was this the answer which you
25 made?

26 A That is right.

27 THE CHAIRMAN: Will you file the bundle
28 as 1139?

29 MR. MAHONEY: There is a letter from
30



1 English.

2 Mr. J. A. Edwards, Supervisor of Pilots, Kingston
3 Pilotage District addressed to Upper Lakes Shipping
4 Limited, and attached thereto is an excerpt from the
5 Canadian Shipping Act, Section 354 and Section 356.
6 In addition there is a copy of a reply addressed to
7 Mr. J. A. Edwards with the typed designation on the
8 bottom "Fleet Manager".

9 Q Did you write this letter, Captain
10 Tischart?

11 A Yes, two years ago. I was Fleet
12 Manager at that time.

13 MR. MAHONEY: It is dated July 17th,
14 1962, the reply to it. The original letter is dated
15 July 16th, 1962.

16 --- Exhibit No. 1139: Letter dated July 16th, 1962
17 from Kingston Pilotage District to Upper Lakes
18 Shipping Limit. Letter dated July 17th, 1962 in
19 reply. Excerpts from the Canada Shipping Act, Sections
20 354 and 356.

21
22 Q You wrote this reply to Mr. Edwards?

23 A Yes.

24 MR. MAHONEY: My, Lord, I think it
25 might be useful to have the witness read this letter
26 into the record.

27 THE WITNESS: "Upper Lakes Shipping Ltd.
28 417 Queens Quay West, Toronto, Ontario. Gentlemen:
29 The Canada Shipping Act sets out that certain vessels
30



1 English

2 are exempt from pilotage in certain waters of Canada
3 under certain conditions. However, if such a vessel
4 is exempt and wishes to employ a person for pilotage,
5 such person must be a licenced pilot for the district
6 where such employment takes place. If a person is
7 allowed to pilot the vessel in the district without
8 being licenced, then the master of the ship and the
9 person acting as pilot are liable to penalties under
10 the Act. Section 354 and 356 refer.

11 It is alleged that your company had some
12 arrangement whereby an unlicenced pilot was used to
13 pilot your vessels JAMES NORRIS and HILDA MARJANE in
14 the Kingston Pilotage District on or about June 20th,
15 1962.

16 It will be appreciated if you would inform me
17 as to any arrangements or understanding of pilotage
18 arrangements you may have in the area of the Kingston
19 Pilotage District.

20 Yours truly,

21
22 J. A. Edwards,
23 Supervisor of Pilots,
24 Kingston Pilotage District."
25
26
27
28
29
30



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Tischart, dir
(Mahoney)

16051

1 English

2 My reply is: "Dear Sir: In answer to
3 your letter of July 16th, we believe there is a
4 misunderstanding in connection with the carrying of
5 unlicensed pilots on our vessels JAMES NORRIS and
6 HILDA MARJANNE.

7 We have some extra Captains who have been
8 with the Company for over 20 years and have sailed a
9 number of our small vessels before the Seaway opened.
10 As you no doubt realize, these vessels have been laid
11 up and we are using these Captains as relief Masters.
12 The only reason for this is to give the Masters who sail
13 our vessels a rest from time to time. As you can quite
14 imagine it is a big job to navigate and handle the
15 large vessels of today, and for this reason we put an
16 extra Captain on board when one is available. This man
17 will assist the Master whenever he feels he needs a
18 rest "regardless where the ship is" not only between
19 Kingston and Montreal but as far east as Seven Islands,
20 and also from Hamilton to Toledo when we are in the coal
21 trade for several trips at one time. True enough, we
22 do change our spare Captains from one ship to another.
23 The main reason for this is to give them a variety of
24 experience of handling as in the near future these men
25 will be Masters of their own vessels again. The Masters
26 of our vessels are responsible for the ship at all times
27 and have the ability to navigate and handle the vessel
28 from Seven Islands to the head of the Lake.

29 We realize that keeping these extra Masters
30 has been an added expense in one sense but the Company



1 English

2 has been justified with the few accidents which have
3 occurred in our fleet since the opening of the Seaway.
4 We also feel it has been worthwhile by keeping our
5 ships going and by giving the Company a lower insurance
6 rate.

7 Hoping this information will clear up
8 this misunderstanding, I remain, Yours truly."

9 Q. Did you have any reply to that letter?

10 A. No, I did not. I may have by phone. I
11 don't think so.

12 Q. Did you have any further complaint made
13 by the Pilotage Authority?

14 A. No, that is the last one.

15 Q. Now, do you still have any such relief
16 officers on board?

17 A. Yes, we have three on and off this year,
18 really two. I will have them all placed again by the
19 end of the season.

20 Q. Now, in the Montreal Pilotage District
21 all of your ships, I take it, are large enough that they
22 do not fit within an exemption?

23 A. That is correct.

24 Q. All those ships take pilots?

25 A. Yes. From Montreal east you mean?

26 Q. This is also true in the Quebec Pilotage
27 District?

28 A. Yes.

29 Q. If exemptions from pilotage were granted to
30 Canadian lake ships, Captain Tischart, could you tell me



1 English

2 what the policy of your Company would be with regard
3 to one of your ships in the Montreal Pilotage District,
4 that is from Montreal to Quebec City?

5 A. You mean Montreal harbour as well or the
6 through route?

7 Q. Aside from Montreal?

8 A. I would think at least 90 or 100 per cent
9 would still take pilots from Montreal to Quebec City.
10 From there down I doubt very much if they would. It is
11 pretty well open.

12 Q. Would the policy of your Company be such
13 the Master would make his own decision whether to take
14 a pilot?

15 A. Yes, he would.

16 Q. Why would you expect that most of your
17 Masters would take a pilot in that area?

18 A. Well, they are up all the way from the
19 Seaway down to Montreal. Under ordinary conditions
20 even with officers on board it is a busy job.

21 Q. On the return voyage, on the up voyage,
22 would you think they would take a pilot in the Montreal
23 District as well?

24 A. Yes.

25 Q. Why would you think that in that District?

26 A. You mean between Quebec and Montreal?

27 Q. Yes.

28 A. Well, as I say, again it is a little
29 closer quarters and they will be rested up for the Canal
30 and ready to take the ship through the locks and the



1 English

2 Seaway.

3 Q. Would you say the primary reason in that
4 District would be as a relief officer in effect or
5 because of the lack of local knowledge?

6 A. No, I would think as a relief officer more
7 than a lack of local knowledge. They have charts and
8 I think the majority know the river is marked off well
9 and it would not take long for any licensed man to pick
10 up the river and run it.

11 Q. Now in the Quebec Pilotage District then
12 from Quebec City downbound to Les Escoumains, would
13 one of your ships carry a pilot in that District?

14 A. I don't think so, no.

15 Q. Do you think any of the ships would carry
16 a pilot?

17 A. I would not think after they had a trip
18 or so. They may the first trip in the Spring, something
19 like that, to get acquainted.

20 Q. The first trip in the Spring -- you mean
21 to refresh their memory?

22 A. No. As a rule on the first trip they have
23 winter markers out and no buoys and it is a little more
24 dangerous.

25 Q. Now what about the Montreal harbour, Captain
26 Tischart? Would your ships use pilots in the Montreal
27 harbour if there was an exemption there?

28 A. Not up to the main elevators, #1 and 2. From
29 the clock up they would not. Number 3 with the currents
30 would take a pilot.



1 English

2 Q. Do the currents change?

3 A. There is more danger around three. It gets
4 treacherous and with a boat 730 feet long I imagine it
5 would be sort of tricky.

6 THE CHAIRMAN: That is the St. Marie current?

7 THE WITNESS: Yes.

8 MR. MAHONEY: Q. You feel that that area
9 requires someone who has local knowledge of it?

10 A. I would say about two-thirds of the Masters
11 may take a pilot in there.

12 Q. And the remainder of the Montreal harbour,
13 that is the inner harbour from the clock tower west,
14 would any of your ships use pilots?

15 A. I don't think so, no.

16 Q. Why do you not feel a pilot is required
17 there?

18 A. I don't think the pilot himself does much
19 in that area. They are in the pilot house but the
20 Master wants to handle his own boat. You have to dock
21 your boat yourself and there is very little piloting
22 to do.

23 Q. Have you been on the bridge of any of your
24 ships, though not in command necessarily, going into
25 that area?

26 A. No. We trade at Three Rivers and only
27 have one or two boats in Montreal in a year.

28 Q. Tell me, Captain Tischart, do you recall
29 around the time of the opening of the St. Lawrence Seaway
30 when there were discussions with the Department of



1 English

2 Transport as to the setting up of a Great Lakes pilotage
3 system?

4 A. No, I cannot say that I have ever sat
5 in on any of the meetings. I recall, that is about
6 all.

7 Q. And you are aware, I take it, of the
8 system of B certificates?

9 A. Yes, I am.

10 Q. Which is used for foreign-going Masters
11 on the open waters of the Lakes. Do you feel that is a
12 satisfactory system?

13 A. I would think it is all right in open
14 waters.

15 Q. Do you recall by any chance what the
16 attitude of the Dominion Marine Association was with
17 respect to that suggestion at the time?

18 A. No, I cannot say that I do.

19 MR. MAHONEY: I have no further questions.

20 COMMISSIONER SMITH: Captain, do the lakers
21 use landing booms to put members of the crew on the
22 quays to handle the lines?

23 THE WITNESS: Yes, sir, they do.

24 COMMISSIONER SMITH: What is your opinion
25 about these present landing booms? Are they satisfactory?
26 Are they safe?

27 THE WITNESS: I would say they are, sir.
28 There are very, very few accidents. I cannot recall
29 one in our company in the past ten years where a man
30 got hurt landing on a landing boom.



1 English

2 COMMISSIONER SMITH: The Commission saw
3 one of those booms sometime last year and to me,
4 speaking for myself, it looked like a very antiquated
5 method. We have some evidence here that crews are not
6 too pleased with the safety angle of that type of landing.
7 Do you think it could be improved?

8 A. I don't see how. There could be means of
9 putting a saddle around. You are in danger of catching
10 on the dock then. I think the best method is the way
11 it is. If anything should catch you are free to walk
12 away. No doubt it could be improved but I don't know
13 how.

14 COMMISSIONER SMITH: What is your infor-
15 mation about the linesmen employed on the quays separate
16 and distinct from the members of the crew?

17 MR. LALONDE: In the Canals.

18 THE WITNESS: On the Locks, you mean.
19 Before you enter the Locks there is linesmen on the
20 Locks at the present time.

21 COMMISSIONER SMITH: Any other place that
22 you have to use a landing boom, substitute that for
23 linesmen?

24 THE WITNESS: As long as you have good
25 relief, young people that can handle cables -- there are
26 times you have to put a cable on in a hurry and I know
27 of certain Canals where they have men in the neighbour-
28 hood of sixty years old trying to take a wire and by
29 the time he takes on it is too late. I could name the
30 particular spot but I don't want to. If you have a man



1 English
2 out there over 55 he is not too active getting on in a
3 few minutes if there is an offshore wind. They would
4 not be as interested as a deckhand knowing the mate
5 is going to tell him what to do and when to do it.

6 THE CHAIRMAN: We will now adjourn for
7 ten minutes.

8 ---SHORT ADJOURNMENT.
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30



English

CROSS-EXAMINATION BY MR. LALONDE:

Q. Captain Tischart, I think you stated you had been sailing on the St. Lawrence River, since what year?

A. I come ashore in 1948. I think about 1936.

Q. The last time you would be sailing on the St. Lawrence would be 1936?

A. 1936 or 1937.

Q. I understand this would apply also to the region between Kingston and Montreal, would it not?

A. Yes, as master of a boat.

Q. Yes. Since 1936 you did not sail between Kingston and Montreal?

A. No.

Q. You said you had three, let us call them relief masters?

A. Yes. At the present time we have three.

Q. Would you mind providing their names, please?

A. At the present time it would be Harold Jones.

Q. Yes?

A. Harvey MacGregor and Percy Garbe.

Q. Do you know what certificates these persons have?

A. Jones has got a masters home trade and MacGregor has masters home trade and Garbe has



1 English

2 masters inland.

3 Q. Have the three of them sailed as
4 masters of ships?

5 A. Not Garbe. The other two have been
6 captains.

7 Q. From your answer I understand for a
8 while you had a larger number of men on the relief basis?

9 A. Yes.

10 Q. These men have been transferred from
11 ship to ship as need arose?

12 A. Yes.

13 Q. Have these men let us say mainly been
14 employed between Kingston and Montreal?

15 A. I would say mainly between Port Colborne
16 and Montreal.

17 Q. Between Port Colborne and Montreal, and
18 I think you stated that you would hope to reach the end
19 of this extra personnel this year?

20 A. Yes.

21 Q. That is correct?

22 A. Yes.

23 Q. Isn't it a fact that when your larger
24 upper lakers started using the new Seaway most of the
25 masters on these upper lakers did not have experience
26 on the St. Lawrence River between Kingston and Montreal?
27 I mean recent experience. Or did you transfer masters
28 from canalliers to masters of your upper lakers?

29 A. No, we didn't do that.

30 Q. You kept the same personnel?



1 English

2 A. Pretty well.

3 Q. I understand when these masters were
4 called upon to start proceeding the St. Lawrence Seaway
5 system, you had these relief masters?

6 A. That is right.

7 Q. To help along?

8 A. None of the older men on the upper lakes
9 went farther than Prescott at that time.

10 Q. Were you required to fit into any
11 special formula or to go through any special procedure
12 with the Department of Transport when you decided to
13 put these men aboard your ships as relief masters and
14 change them from ship to ship?

15 A. No.

16 Q. What is the procedure? Do you sign
17 them on several articles at the beginning of the year?

18 A. No, we don't do that. I am not just
19 sure, but I believe when they are on for a trip they
20 will sign on that particular boat. Sometimes they
21 will stay on the boat for two trips or three trips, and
22 when they go on the next boat they would sign on again.

23 Q. They are signed on and off, if not
24 each trip ---

25 A. Providing you take them off. They
26 may be on a month at a time and sign on and sign off.

27 Q. You said in answer to my friend Mr.
28 Mahoney that you felt that the system of B licence for
29 foreign-going ships was satisfactory on the Great Lakes;
30 is that correct?



1 English

2 A. I am in favour of it, and it has
3 proved fairly well it is satisfactory.

4 Q. Have you always been in favour of this
5 formula for deep sea ships?

6 A. I would think so. It is better than
7 the way it was. We will put it that way. You get a
8 little examination and it shows what is really going
9 on on open waters.

10 Q. Did you say it is better than the way
11 it was?

12 A. Before this B certificate was issued
13 I understand a salt water master -- I have heard where
14 they made mistakes in the fog signals, not knowing
15 whether it was three blasts instead of one.

16 Q. Would you speak a little louder? Would
17 the reporter read back the answer?

18 ---Reporter reads back: "A. Before this B certifi-
19 citate was issued I understand a salt water
20 master -- I have heard where they made
21 mistakes in the fog signals, not knowing
22 whether it was three blasts instead of
23 one."

24 Q. Did you have any such experience
25 yourself while you were master of a lake ship?

26 A. They didn't have them up here at
27 that time.

28 Q. They didn't come up at that time?

29 A. No.

30 Q. When you say you have heard such reports,



1 English

2 from whom did you hear such reports?

3 A. Just under ordinary conversation.

4 Q. With whom? With your masters, your
5 own masters, or what?

6 A. No, not necessarily my own masters.
7 Meetings you have been in where you get mixed up with
8 fog signals or your rules of the road in comparison with
9 the international under ordinary conditions.

10 Q. This would be meetings of the Dominion
11 Marine Association?

12 A. Not necessarily. Just gatherings and
13 that. I have no proof it ever happened, but I have
14 heard of it.

15 Q. With your experience on the lakes them-
16 selves, is it your view that a system of B certificates
17 should be kept in effect, let us say, requiring a
18 minimum of two long trips on the Great Lakes as is the
19 case now, or do you feel that the rules should be
20 slacker or more rigid?

21 A. I would say the way it is going now
22 I think it is sufficient. It has proven pretty satis-
23 factory in the last couple of years.

24 Q. Now, your fleet is employed on regular
25 trade routes; is that correct?

26 A. Yes.

27 Q. You don't have any ships operating on
28 a kind of tramp basis on the lakes?

29 A. No, we don't.

30 Q. By comparison with other lake shipping



English

companies, would you say that your own company is a good example of a regular trader, or do you feel that your company is even more active than the average regular trader on the lakes and the St. Lawrence River?

A. I would say we are about average.

Q. Would you mind providing this Commission with the following information: that is, the number of trips each vessel of your fleet has done on the St. Lawrence River below Kingston in 1963 and 1964, indicating the destination in each instance? Could that information be obtained?

A. It could be. I couldn't tell you right now.

Q. No.

A. I can do it, yes. I can get them for you.

Q. I understand you are a very good operations manager but I wouldn't dare ask you for that information now.

MR. JACQUES: For 1962 or what year?

MR. LALONDE: 1962, 1963.

THE WITNESS: You said 1964.

MR. LALONDE: I understand 1964 would be very hard to get too.

MR. JACQUES: What ports?

MR. LALONDE: All trips below Kingston, indicating the destination in each instance.

MR. JACQUES: To be filed as Exhibit 114b.



1 English

2 BY MR. LALONDE:

3 Q. If possible would you also indicate
4 the dates of the trips?

5 A. Yes.

6 MR. MAHONEY: My lord, I just want to
7 clarify. The information that Mr. Lalonde asked for
8 this morning with respect to Quebec and Ontario trips
9 was of a somewhat different nature than he has asked Cap-
10 tain Tischart. Now, is this the information you want?

11 MR. LALONDE: Really I would say that for
12 my own purpose this is the information that would be
13 sufficient. This morning the information asked for
14 really included the trips on the lakes themselves.
15 That is, to Duluth or Chicago or wherever it is.

16 MR. MAHONEY: If your purpose is the same,
17 I see an advantage in doing them all the same.

18 MR. LALONDE: The Commission might feel it
19 is better to have it on a more elaborate basis.

20 THE CHAIRMAN: If you can furnish what we
21 asked this morning, we would appreciate it very much.

22 BY MR. LALONDE:

23 Q. Then, Captain Tischart, it would be
24 really each trip of your ships during 1962 and 1963,
25 with their destinations, not only below Kingston but
26 also on the Great Lakes.

27 A. All right. When you say "trip",
28 going to Three Rivers and after unloading at Three Rivers,
29 to Seven Islands and back to Lake Erie; is that one trip?

30 Q. What we would like to have, if there is



1 English

2 a stop-over ---

3 A. And the departure, the time?

4 Q. Well, the date.

5 THE CHAIRMAN: The days would be all right,
6 and the various ports where they call so that we could
7 see the time they went there and the importance of the
8 trade.

9 THE WITNESS: All right, sir.

10 THE CHAIRMAN: With regard to knowledge of
11 the local waters.

12
13 ---EXHIBIT NO. 1140: List of Upper Lakes Shipping
14 Limited ships' trips showing
dates and destinations.

15 MR. MAHONEY: My lord, I think Captain
16 Tischart's paper when it is made up will show a tremen-
17 dous amount of time spent by his ships in American ports,
18 and perhaps Mr. Lalonde should take this into account.

19 MR. LALONDE: I understand it is mainly
20 certain ships.

21 MR. JACQUES: Gathering local knowledge.

22 THE CHAIRMAN: We don't need to know really
23 the dates, the time of departure and arrival and so on.

24 THE WITNESS: The date is all that is
25 necessary.

26
27 CROSS-EXAMINATION BY MR. BRISSET:

28 Q. You told us you came ashore in 1948,
29 but I understood from your evidence that in the last
30 ten or twelve years before that you had been sailing



1 English

2 as master on the Upper Lakes?

3 A. That is right.

4 Q. That would be Lake Superior, Michigan,
5 Huron?

6 A. Ontario and Erie.

7 Q. The five lakes?

8 A. Yes.

9 Q. Now, captain, I want to say that I am
10 not really facetious when I ask this question. If you
11 were to be put on board one of your ships as master,
12 say, in Whitefish Bay, and told to lay your course to
13 go to Fort William or to Duluth, do you think you could
14 still do it?

15 A. I don't think. I am sure.

16 Q. You are sure?

17 A. Right.

18 Q. Now you have an ocean vessel in your
19 fleet?

20 A. Yes.

21 Q. The WHEAT KING?

22 A. That is right.

23 Q. If you were put on the WHEAT KING, do
24 you think you still could go to Fort William without
25 having a pilot aboard?

26 A. That is right.

27 Q. You could?

28 A. Yes.

29 Q. Do you realize, captain, you do not
30 qualify for a B certificate?



1 English

2 A. I realize that, yes. I haven't been
3 on the lakes for two years.

4 Q. You haven't made the two trips?

5 A. Yes. I thought you meant my ability,
6 I am sorry, instead of having a B certificate. The
7 WHEAT KING, it is not necessary to have a B certificate.
8 She is Canadian registered.

9 Q. She is an ocean vessel?

10 A. She is Canadian registered. You don't
11 need a B certificate.

12 Q. There is a point of argument there.

13 A. The master on board the WHEAT KING today
14 has masters home trade certificate but no B certificate.

15 Q. Does the WHEAT KING sail foreign?

16 A. About three times since we have owned
17 her in three years.

18 Q. Overseas to the continent?

19 A. Yes.

20 Q. You have to change masters?

21 A. That is right.

22 Q. You also have a British registered ship
23 in your fleet, captain?

24 A. Yes.

25 Q. Is she crewed by Canadian officers and
26 master?

27 A. Yes.

28 Q. Regular employees of your company?

29 A. Yes.

30 Q. The master on board her at the moment or



1 English

2 last year, say, served on other ships of your company?

3 A. Yes.

4 Q. When he served on other ships of your
5 company, was he taking a pilot?

6 A. No.

7 Q. He was not?

8 A. No.

9 Q. Do you think he is less capable when he
10 changes ships?

11 A. No. We do take sailing masters on,
12 which is compulsory, but I feel sure they don't let
13 the sailing master handle her in the Welland Canal and
14 in the rivers.

15

16

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1 Q. In other words, his capacity does not
2 change when the flag of the ship changes??

3 A. No.

4 Q. Do most of your ships or all of your
5 ships now proceed down river as far as Seven Islands or
6 Port Cartier?

7 A. Most of them do, yes.

8 Q. Do your lake masters have any problem
9 in the river in blowing three blasts as a fog signal
10 instead of one blast?

11 A. No, they do not.

12 Q. Have you had any report that they might
13 have done so officially or unofficially?

14 A. No, I have not. We do carry pilots
15 east of Montreal and the Welland Canal.

16 MR. LALONDE: They have good pilots.

17 THE WITNESS: But I am sure if they had the
18 ability they would not be blowing the wrong whistle.

19 MR. BRISSET:

20 Q. As a fog signal. You would not con-
21 sider that it takes considerable ability to blow only
22 one blast instead of three?

23 A. No, I do not. I do figure though that
24 a master of a salt water vessel is more apt to make a
25 mistake if he makes only one move a year up on the lakes.

26 Q. Human nature being what it is. You
27 have spoken of the recommended courses. Would you see
28 any advantage in making these courses compulsory for
29 the ships on the lakes, both ocean and lake ships?

30 A. Yes, I would, for safety reasons.



1 English

2 Q. Has the matter of making these courses
3 compulsory been discussed to your knowledge in committee,
4 the Navigation Committee?

5 A. No, I cannot say that it has ever been
6 discussed, making them compulsory, no.

7 Q. But you would see merit in the suggestion?

8 A. We encourage our masters to take them.
9 I believe all companies do on the lakes.

10 Q. Are you aware that the Shipping Federa-
11 tion so recommended way back in 1958 before the opening
12 of the Seaway?

13 A. No.

14 THE CHAIRMAN: With regard to those courses,
15 you have said before that they were to be followed by
16 your ships weather conditions permitting, or something
17 to that effect. If they were compulsory there would
18 have to be the same reserve also?

19 THE WITNESS: I would not think you could
20 make them compulsory under those conditions. They
21 would have to deviate from their course in bad weather
22 or if they had some breakdown with their vessel. There
23 are times coming down, let us say, Lake Huron when you
24 are twelve miles off Thunder Bay Island and it is a
25 strong sou'wester. You are cutting in there kind of
26 close. This would not happen if you had fog at
27 because you would have the radar and you would be out
28 on your proper course.

29 THE CHAIRMAN: Mr. Langlois, do you have
30 any questions?



1 CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Captain, you have mentioned, unless I
3 am mistaken, that all your captains had either coasting
4 or home trade master tickets?

5 A. Yes.

6 Q. Would you tell us where they had their
7 sea time for their home trade tickets?

8 A. Well, the majority of them would have
9 gone down as far as Seven Islands in the pulpwood trade
10 and Anticosti Island. I do not know that any of them
11 went across the ocean actually or further east than
12 Halifax.

13 Q. Then this would be prior to the changing
14 of the eastern limits of the inland waters from Father
15 Point to Cap de Rosier?

16 A. Yes, that is right.

17 Q. Would this also apply to your younger
18 captains today? Would they have in other words the same
19 opportunity of serving in the home trade waters?

20 A. Yes, the same.

21 Q. Even with that change of the limits to
22 Cap de Rosier?

23 A. In the last few years they have not been
24 much east of Seven Islands. The pulpwood is pretty well
25 petered out and they never go down there.

26 Q. Did not some of your masters sit for
27 their exams for their home trade tickets after they had
28 obtained their inland master tickets without serving in
29 between in the home trade waters -- as you know it could
30 be done?



1 English

2 A. I am afraid I could not answer that
3 directly right now. I would have to look it up.

4 Q. You know it could be done though?

5 A. I suppose it could be done, yes.

6 Q. These relief officers that you talked
7 about, are they acting as sailing masters when they go
8 aboard ships?

9 A. No, not sailing masters -- relief
10 captains.

11 Q. I understand you to say that they are
12 there mainly for the purpose of giving a rest to the
13 regular captains?

14 A. That is right, yes.

15 Q. In the letter which was tabled and that
16 you even read into the record I noted the following
17 mentioned -- I mean your reply to Mr. J. A. Edwards --
18 "There is a big job today to handle large vessels" --
19 or words to that effect. Would that apply to the
20 handling of large vessels in the harbour of Montreal
21 also?

22 A. I do not think you took me the way I
23 meant it. When I said "large vessels" I meant you
24 have got to handle them slower and you put in more time
25 than you would in an ordinary small boat. You put in
26 more time and actually you are up there; you are tired
27 out. Where in Montreal harbour you are down there --
28 with their ability and that it would not be any harder
29 to manoeuvre in the Montreal harbour than it is in the
30 Seaway.



1 Q. What did you exactly mean when you wrote
2 this, and these are your exact words, "It is a big job
3 to handle the large vessels of today"? What did you
4 mean exactly by that?

5 A. Exactly as it sounds, I guess; it is
6 a big job.

7 Q. It is a big job wherever you are. I
8 understand, sir -- and correct me if I am wrong -- from
9 your testimony that your service on the St. Lawrence
10 ended in 1936?

11 A. I am sorry, I think it is 1937.

12 Q. 1937; I am sorry. And you got your
13 master's ticket in 1939?

14 A. That is right, yes.

15 Q. So after you got your home trade master's
16 ticket you did not sail the St. Lawrence at all?

17 A. No.

18 Q. So I understand you did not have a
19 chance to handle these large ships of today in the St.
20 Lawrence and in the Harbour of Montreal?

21 A. Yes.

22 MR. LANGLOIS: Thank you, sir.

23
24 CROSS-EXAMINATION BY MR. JACQUES:

25 Q. Captain, just a few questions: your
26 relief masters, what did they do on board the ship?

27 A. Pretty well anything they are asked.
28 If the captain comes up and wants to have his lunch,
29 they will take over regardless of where they are -- take
30 it into Snell Lock or out to port or lake. Whenever the



1 English

2 captain feels he needs a little rest they will take over.
3 They have handled ships everywhere.

4 Q. Have you issued instructions as regards
5 the duties of the relief captains?

6 A. No, I have not, no.

7 Q. Would for instance your regular master
8 ask him to do administrative work?

9 A. I would think he would, yes. He would
10 ask him anything he wished. I put him on for a helper
11 and it is for the master to use his own judgment where
12 he wants him to help.

13 Q. So your relief master could be requested
14 to do navigating or administrative work or whatever else
15 a captain has to do?

16 A. Yes, and they do do it; I know that.

17 Q. What do you think a pilot does aboard
18 a ship?

19 A. A pilot? His principal job, I would
20 say, is to do the rivers.

21 Q. He cons, he handles the ship?

22 A. Yes. Well, he handles the navigation.
23 I do not believe he ever handles it as far as engines go,
24 where you stop and check and that. This is generally
25 the master's job.

26 Q. So your relief masters would be in
27 some way doing exactly what the pilots are doing?

28 A. No.

29 Q. What is the difference?

30 A. There is a lot of difference. I do not



1 English

2 think there are any of our masters who will let a pilot
3 take a boat into the lock and out of the lock and from
4 one lock to the other, which they do our relief masters.
5 I am sure of that.

6 MR. LANGLOIS: You said you do not think;
7 you do not know for sure?

8 THE WITNESS: I am pretty sure. Unless
9 they really knew this particular man I do not think they
10 would do it. There may be some guy they know has
11 sailed a boat and is good and they may say, "Go ahead
12 and take it into the lock." Under ordinary conditions
13 I do not think they would.

14 MR. JACQUES:

15 Q. Have you issued instructions to your
16 masters with respect to the employment of pilots -- what
17 they should let the pilots do or what they should forbid
18 the pilots to do?

19 A. We do not take pilots.

20 Q. Down river.

21 A. You mean from Montreal east?

22 Q. Yes.

23 A. No.

24 Q. You have not issued any instructions?

25 A. No, none whatever.

26 Q. What are you going to do when your
27 staff of relief captains will be expired or expended?

28 A. We have four mates on all our big ships
29 and we are sure they can go along with that.

30 Q. The four mates?



1 English

2 A. Yes, and the captain.

3 Q. So you have five deck officers?

4 A. That is right. We did have three up
5 to about two years ago and I put an extra mate on each
6 one of the large ships.

7 Q. What about your chief mate? What does
8 he do -- stand and watch?

9 A. No, he does not stand and watch. He
10 is available any time they want him or wherever they want
11 him.

12 Q. So he is more or less an apprentice
13 captain, a relief captain?

14 A. Yes. He can take over a captain's
15 place pretty near any place he wishes.

16 Q. Did you sail as master?

17 A. Yes.

18 Q. And your experience was strictly con-
19 fined to west of Cape Vincent?

20 A. That is right.

21 Q. West of Kingston?

22 A. That is right. I have been master
23 down in Montreal and up to Chicoutimi and up the rivers
24 -- 36 and 37, small canal type boats.

25 Q. When you were master could you keep up
26 with the local knowledge necessary to enter any given
27 harbour?

28 A. Oh, yes.

29 Q. How did you do it?

30 A. The same as the rest of them. We did



1 English

2 not have pilots in these days. Only in elevator 3
3 at Montreal we had to take a pilot, but every other
4 place we handled our own ships.

5 Q. In which ports did you trade most fre-
6 quently?

7 A. I would say I traded pretty well all
8 the ports from Three Rivers up to the Head of the Lakes
9 -- Chicago, Milwaukee, Duluth, Superior, Fort William,
10 Port Arthur.

11 Q. Cleveland?

12 A. Yes.

13 Q. Detroit?

14 A. Yes.

15 Q. Duluth?

16 A. Yes.

17 Q. All those places?

18 A. Yes.

19 Q. Did you go there every year?

20 A. Just five or six times. I was captain
21 for fourteen years for this company.

22 Q. And that was sufficient to maintain
23 your knowledge of the places?

24 A. Yes.

25 Q. Did you have difficulties in handling
26 your ship throughout the Great Lakes without any local
27 assistance?

28 A. No.

29 MR. LANGLOIS: What type of ships were they?

30 THE WITNESS: The largest one I was on was



1 450 feet long and 7500 tons.

2 MR. LANGLOIS: A draught of what -- 13 feet?

3 THE WITNESS: No, 20 feet.

4 MR. LANGLOIS: The smallest?

5 THE WITNESS: Fourteen feet.

6 MR. JACQUES:

7 Q. The canal type?

8 A. Yes.

9 Q. You said that you have automatic steer-
10 ing on your ships now?

11 A. Yes.

12 Q. Have your masters reported any deteriora-
13 tion in the quality of wheelmen since you have had auto-
14 matic steering?

15 A. The only place they use automatic
16 steering is on the open waters. They still do all the
17 rivers and all the canals and they get enough practice
18 on that, I believe.

19 Q. They can steer often enough so that they
20 are kept up on their trade?

21 A. Yes, sir.

22 MR. BRISSET: Do they have wheelmen on a
23 stint of 18 hours without stopping -- staying at the
24 wheel?

25 THE WITNESS: Do they have?

26 MR. BRISSET: Yes.

27 THE WITNESS: No.

28 MR. BRISSET: What is the longest time a
29 wheelman keeps at the wheel?

30 THE WITNESS: Four on and eight off.



1 English

2 MR. BRISSET: Four hours on is the longest
3 stint?

4 THE WITNESS: Yes. There are times when
5 there may be two wheelmen who will take a three, where
6 they stand six and six. That is the longest.

7 MR. JACQUES:

8 Q. When you were master did you always
9 have the same wheelman with you?

10 A. No, not for fourteen years.

11 Q. How do you view a wheelman? Is he
12 somebody who has a very, very important job on board a
13 ship, who needs a tremendous lot of skill?

14 A. I would say next to the mate he is the
15 most important man.

16 Q. Next to the mate?

17 A. The first mate, as you say.

18 Q. Have you had difficulties in getting
19 your wheelmen to obey your orders?

20 A. No.

21 Q. Has he made a mistake? They have made
22 mistakes?

23 A. I would say they have made mistakes
24 once in a while. Every man does.

25 Q. Were these mistakes catastrophic?

26 A. No. You can generally catch them in
27 time if you are on a job and you have told them to turn
28 to starboard and they happen to turn to port. You know
29 before it is too serious. If you are in doubt about
30 an apprentice wheelman you have one eye around the



1 corner.

2 Q. Have you any indicators?

3 A. For the rudder, yes.

4 Q. Did you find those of any help to the
5 man who cons the ship?

6 A. It does to the wheelsman.

7 Q. To the wheelsman?

8 A. He can tell how much wheel he has on
9 then, how many turns of wheel he has on by a glimpse.

10 Q. Are your ships equipped with that?

11 A. Yes, all vessels are.

12 Q. What about a revolution indicator for
13 the engines?

14 A. Most of the ships have them nowadays.
15 In olden days they did not have.

16 Q. Your ships are equipped with that today?

17 A. Yes.

18 THE CHAIRMAN: That rudder indicator where is
19 it situated -- in the wheelhouse?

20 THE WITNESS: There is one at the front of
21 the wheelhouse. In the olden days it used to be right
22 on the wheelright in front.

23 THE CHAIRMAN: There is no repeater on the
24 bridge?

25 THE WITNESS: No.

26 MR. JACQUES:

27 Q. What I am referring to is an electric
28 one which shows the actual rudder angle on the steering
29 gear.

30 A. We do have that on the new vessels today.



1 English

2 The vessels built in the last five years have an electric
3 one.

4 MR. JACQUES: Thank you, sir.

5
6 FURTHER CROSS-EXAMINATION BY MR. LALONDE:

7 Q. Is it not a fact that as a practice on
8 the lakers you are never out of the wheelhouse when
9 guiding the ship in the canals? You generally do it,
10 or it is always done from within the wheelhouse itself?

11 A. You are talking about the master?

12 Q. Yes, on the lake ships.

13 A. You can walk out on the bridge, but as
14 a rule you are in the wheelhouse where it is handy to
15 check and handy to the engines.

16 Q. You referred to the number of hours of
17 work of the wheelsman. What is the turn of duty of the
18 mates? Is it four and eight also?

19 A. Yes, the same, four and eight.

20 Q. How does the master arrange his time
21 to all that? Is he putting himself also more or less
22 on the four and eight basis?

23 A. No, he is on call at all times. There
24 are very few days that the master is not there, say,
25 twelve hours.

26 Q. On the bridge itself?

27 A. Yes.

28 Q. Could you tell me the salaries of
29 masters on large upper lakers, like the largest ships
30 you have?



1 English

2 MR. MAHONEY: Objection. My Lord, I do
3 not believe the question is relevant. The companies
4 consider it confidential and it can be supplied on a
5 confidential basis to the Commission itself. But I
6 do not believe it is necessary to divulge it for the
7 official record.

8 THE CHAIRMAN: That will be all right. We
9 have this type of information for other companies and
10 would appreciate it if this could be furnished on a
11 confidential basis.

12 MR. JACQUES: This will be Exhibit 1141 --
13 salaries including bonuses and other benefits, paid to
14 masters of Upper Lakes Shipping Limited.

15 MR. MAHONEY: If you wanted to give this
16 an exhibit number; but, as I think you are aware, most
17 of it has already been supplied to the Commission on
18 that basis.

19 MR. LALONDE: Excuse me, do I understand
20 that exhibits or documents are provided to this Commis-
21 sion without the knowledge of the people appearing before
22 the Commission?

23 THE CHAIRMAN: No, no.

24 MR. LALONDE: I have been very careful
25 that in all cases the pilots would not provide anything
26 to the Commission without it being either public or with
27 a declaration from the Bench that it should be confi-
28 dential. I am surprised to hear what my friend has
29 said -- if I heard correctly.

30 THE CHAIRMAN: There is nothing furnished



1 English

2 as yet, except ~~sometimes~~ the minutes of the pilots
3 for instance that have been read and have been re-
4 turned.

5 MR. MAHONEY: The point I wanted to make
6 certain is whether it would be considered as an official
7 Exhibit and given an Exhibit number?

8 THE CHAIRMAN: That is right.

9 MR. JACQUES: What I wanted was a salary
10 scale, including bonuses and other benefits paid to the
11 Masters.

12 MR. LALONDE: Fringe benefits for 1964?

13 MR. JACQUES: The current year.

14 THE CHAIRMAN: We are not interested in
15 the Captain's name. We are just interested in the
16 range of scale, the scale of what is being paid to
17 the Masters. We need it for comparison purposes.
18 We have to base it on something and we have to know
19 what the rates are for similar trades. I might sug-
20 gest that you might give us something that could be tabled
21 as a non-confidential document showing what may be the
22 maximum or minimum.

23 MR. MAHONEY: This could be done on the
24
25
26
27
28
29
30



1 English

2 basis of the average wage. In fact we have that
3 information but I don't have the information including
4 bonuses and fringe benefits.

5 MR. LALONDE: My Lord, I would not be
6 satisfied with mere averages. In that sphere it may
7 not mean very much. It is important to know the fringe
8 benefits and the bonuses.

9 THE CHAIRMAN: We have to know what they
10 are and appreciate them to appraise them.

11 MR. JACQUES: We have to obtain the
12 information from the Dominion Marine. We have tried
13 to obtain similar information from the Dominion Bureau
14 of Statistics but their information is not complete.
15 They couldn't give us anything of any value on the
16 salaries of Masters. On mates, yes.

17 THE CHAIRMAN: We will give this Exhibit
18 number 1141 and if you want to discuss that amongst
19 yourselves, if you can arrive at a suitable Exhibit,
20 that is all right. If not we will discuss it further.
21 I don't want to take up the time of the Commission.
22 ---EXHIBIT 1141: Salaries, bonuses, and benefits to Masters
of Upper Lake Shipping Limited.

23 MR. LALONDE: No further questions, My
Lord.

24 MR. BRISSET: Captain, I have one more
25 question. In the case of the British flag vessel, a
26 lake vessel, does the Master take the ship into the
27 lake too?

28 THE WITNESS: Oh, yes.

29 MR. BRISSET: The pilot is not of much
30 use to you?



1 English

2 THE WITNESS: No.

3 MR. LALONDE: Have you been aboard one
4 of these ships lately?

5 THE WITNESS: Our own vessels, yes.

6 MR. LALONDE: Do you travel on them once
7 in a while?

8 THE WITNESS: Yes, once or twice a year,
9 on short jobs up and down the Canal.

10

11 RE-EXAMINATION BY MR. MAHONEY:

12 Q. I have one or two further questions on
13 re-examination, Captain Tischart. In answer to a
14 question by my friend, Mr. Lalonde, with respect to
15 the experience of the Masters of the larger ships at
16 the time of the opening of or the construction of the
17 St. Lawrence Seaway you said, I think, that the same
18 Masters remained on those ships. That is correct, is
19 it not?

20 A. We did have a lot of new ships built at
21 that time. On the older vessels they stayed on their
22 own.

23 Q. In addition you had a number of personnel
24 from ships which were obsolete. Is that not correct?

25 A. Yes.

26 Q. What happened to that personnel? Did they
27 go on to the older ships?

28 A. Yes, on to the larger ships.

29 Q. Would you say that there were any of your
30 smaller ships with officers who had not had experience



1 English

2 in the lower St. Lawrence River?

3 A. Not on the smaller boats. There is the
4 odd one on the upper Lakes, not too many. Most brought
5 up through the ranks of the Canal ships.

6 Q. Another question, Captain. Mr. Langlois
7 asked you about the more limited opportunity today
8 for an officer on one of your ships obtaining a home
9 trade ticket because of the change in the limit of the
10 inland waters. Do you recall that?

11 A. Yes.

12 Q. In addition to that you do have ships
13 serving outside the inland waters limit, do you not,
14 such as the WHEAT KING?

15 A. Yes, the WHEAT KING we have.

16 Q. Do you not have a new ship for the
17 Sydney trade?

18 A. Yes.

19 Q. You have ships trading out of the waters?

20 A. Yes.

21 MR. LALONDE: You have one ship and will
22 have another one in two weeks' time or so?

23 THE WITNESS: That is right.

24 MR. MAHONEY: I have no further questions.

25 THE CHAIRMAN: No further questions. I
26 don't think we will start a new witness at this late
27 hour unless you have a witness with just a few questions
28 to ask of him.

29 MR. MAHONEY: No. I had planned on calling
30 Captain Angus next. I thought he would not be called



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Tischart

16088

1 English

2 until tomorrow morning.

3 THE CHAIRMAN: Therefore we will adjourn

4 until tomorrow morning at ten o'clock.

5

6 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M. on
7 TUESDAY, APRIL 14, 1964.

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